

THE North-China Herald

AND SUPREME COURT & CONSULAR GAZETTE.

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ADVERTISEMENTS.

Customs Notification No. 102.

CUSTOM HOUSE,
SHANGHAI, 20th July, 1871.

IN consequence of the frequent complaints lodged by Importers, at the Custom House, of incorrect declaration of particulars of importation being made by persons re-exporting Foreign Goods, the undersigned, by authority from His Excellency the Superintendent of Customs, hereby gives notice that from the 1st of November next, it will be necessary, in accordance with the Treaty stipulations referring to the re-exportation of foreign goods, for the applications to re-export to be made either by the Importers themselves, or certified by them to be correct—by means of Passes (to be made out by themselves), or any other kind of documents they may find most convenient.

Any Importers desiring in the meantime to prevent their importations being drawn against, without their knowledge, by Shippers, have only to request the undersigned to stamp no permits to re-export goods as having been imported by them, without a certificate of particulars of importation from themselves.

The above conditions will be observed by the Customs, from the same date, in respect also to the re-exportation of Chinese produce.

T. DICK,
Commissioner of Customs.

27jy 1941

NOTIFICATION.

No. 21.

IN accordance with instructions from H. B. M.'s Chargé d'Affaires, the following despatch is published for the information of British Subjects.

J. MARKHAM,

H. B. M.'s Consul.

H. B. M.'s Consulate,
Shanghai, 20th July, 1871.

July 10, 1871.

No. 21.

SIR,—I have received from the Earl Granville copy of a letter which His Lordship has caused to be addressed to the Council of Foreign Bondholders, in regard to the amount of support which Her Majesty's Government are prepared to give to the claims of holders of Foreign Bonds.

Earl Granville, in order to prevent any misapprehension as to the amount of support which Her Majesty's Government are prepared to afford to British holders of foreign bonds, is desirous that the Council of Foreign Bondholders should clearly understand that His Lordship in no way departs from the views and principles entertained and frequently laid down by his predecessors, regarding the undesirability of Her Majesty's Government encouraging hazardous loans to Foreign Countries, or of their giving to such transactions an impetus, such as would be afforded if it were understood that the repayment of loans, made probably at a high rate, would be enforced by the power of Great Britain.

The policy of Her Majesty's Government with regard to the general question of the assistance to be given to foreign bondholders who fail to obtain their rights, has always been and will continue to be, limited to unofficial support and friendly remonstrance with such Foreign States as from time to time fail to meet their obligations.

Her Majesty's Government are in no way party to private loan transactions with Foreign States. Contracts of this nature rest only between the Power borrowing, and the capitalists who enter into them as speculative enterprises, and who are content to undertake extraordinary risks in the hope of large contingent profits. Further, it is scarcely necessary to point out the endless troubles which certainly would arise if the active intervention of England were exerted to redress the grievances of Bondholders. Independently of the expense which would necessarily be incurred, and the risk of international complications, forcible measures, if adopted towards small States, which for the most part are the ones complained of, would subject this country to grievous imputations. For such and other obvious reasons, Her Majesty's Government have determined, as a matter of wise policy, to abstain from taking up, as international questions, the complaints of British subjects against Foreign States, which fail to make good their engagements in regard to such pecuniary transactions, or to interpose, except by good offices, between Bondholders and

the States by which they may be wronged.

Her Majesty's Government will, however, be at all times ready to give their unofficial support to Bondholders in the prosecution of their claims against defaulting States, and such parties may always count upon the moral influence of England being exerted, although unofficially, on their behalf, but the parties must not expect that forcible measures, such as reprisals, and still less any of a more decidedly warlike character, will ever be resorted to by Her Majesty's Government in support of their claims.

You will cause this despatch to be printed in the Shanghai paper for the information of the British Community in China.

Your obedient servant,

THOMAS FRANCIS WADE.

NOTIFICATION,

No. 13.

DURING the absence of the Undersigned on furlough, and until further notice, JOHN MARKHAM, Esquire, H. B. M.'s Consul at Chefoo, has been nominated by H. B. M.'s Chargé d'Affaires to officiate as H. B. M.'s Consul at this Port, charged with the jurisdiction of the Consular district of Chinkiang.

W. H. MEDHURST,
H. B. M.'s Consul,
Charged with the Consular
Jurisdiction of Chinkiang.

at 1000 Shanghai, April 22nd, 1871.

SHANGHAI, the 18th Sept., 1865.

NOTICE.

IT is particularly desired that on the death of any British subject within the Consular Jurisdiction of Shanghai, notice may be given to the Supreme Court to enable its Officers to comply with the order in Council 1865.

BY ORDER.

LATEST DATES.

England	tel. daily	Hankow	July 13
San Francisco	June 1	Yokohama	" 12
Hongkong	tel. daily	Nagasaki	" 17
Pien-tsin	July 15	Foochow	" 15

Latest Mail dates in England, from China,
Hongkong, ... April 19 Received via Brindisi.
Shanghai, ... " 12 " May 29th.

The publication of the *North-China Herald* and *Supreme Court & Consular Gazette* commenced at 6 P.M.

The North-China Herald.

IMPARTIAL, NOT NEUTRAL.

SHANGHAI, FRIDAY, JULY 21, 1871.

"No trouble anywhere," says Mr. Wade by telegram to the British Foreign Office; yet, if we are not strangely misinformed, all is not so placid and calm as the British Chargé d'Affaires would have us believe. The suggest-

ions of the Tsungli Yamen with regard to Missionaries must be freshly in the minds of our readers, and if these suggestions are not complied with, the officials threaten trouble. Of course they do not for a moment hint that they have the smallest hostile sentiment towards foreigners. On the contrary, they are profuse in expressions of cordiality. Still, they "fear the people." If certain requisitions are not agreed to, the consequences will probably be ugly; and they declare their inability to stave off these consequences. Now, this being so, we cannot exactly acquiesce in the belief that there is "no trouble anywhere." Of course much depends on the sense placed by Mr. Wade on the word "trouble." If he means that there are no fresh riots occurring, he is probably right; but if he means that the air is quiet, we question his judgment.

A glance at the demands of the Mandarins with regard to Missionaries, coupled with the warnings they are known to have addressed to the Foreign Ministers as an accompaniment of these demands, proves this. It is well worth while to examine this matter; and, in fairness to the Chinese and to Foreigners, to try and see what are the chief obstacles and grievances whereof the former have to complain. We do not dwell now upon the minor points, such as the offence given by the presence of Chinese Christian females in churches; but we fasten on what seems the root of bitterness between the two parties. The Chinese allege that native Christians are, with few exceptions, persons of disreputable character. This allegation is not apparently made carelessly, but is uttered with some consideration, and is certainly buttressed by statements that bear the appearance of verisimilitude, if they are not actually true. To give instances, we are told that, "in 1866, the Governor of Kweichow reported that in the district of Kweiling several brigands, headed by one Yen-shih-pao, had combined with two Roman Catholic converts named Yuen-yuh-siang and Hia-ching-ling, and under the guise of that fact had led a party of fellows which attacked and killed Wang-kiang-pao and T'o-yen-shao, severely wounded three others, plundered the houses of their contents and carried off all the cattle and horses." We are not prepared to deal with the truth or falsehood of this statement, as we have no evidence before us one way or the other; but we may, in passing, make one remark, viz. that it is an extremely curious and suspicious circumstance that nearly all the acts of violence and impropriety with which the converts are now charged, are said to have been committed in the remote provinces of Kweichow and Szechuen, far from the cognizance of foreigners; and it is quite competent for a friend of

progress to remark that, if Foreigners had been allowed to have access to the distant provinces, Consuls would have been appointed, the law would have been open, and many barriers would have been interposed to stop the wrong-doer. If these regions had been opened up, and if the official, the merchant, and the missionary had been all allowed equal rights—one class would have checked another, and we should not have had the vague accusations we now have, but charges brought forward with exactness, and disposed of on principles of justice and equality.

The point at issue however remains. Are the men and women in China who embrace Christianity, less scrupulous in principle, and less decent in conduct, than their heathen neighbours? We are assured by many that the most astute and disreputable natives enrol themselves under the Banner of the Cross, and that men of character carefully abstain from any approach to the doctrines of the West? It is a wide question, and one that cannot certainly be solved in the space or with the data we have at our disposal. The truth of the proposition as a sweeping axiom, we may emphatically contest. Mr. Cooper's experience alone, in Szechuen, proves the existence of many highly respectable Christian natives in that province; and the assertion savours altogether too much of Literate hostility and Confucian prejudice. Still, we can conceive it possible that certain declarations of the Gospel, injudiciously presented by preachers with more ardour than argument, might possibly induce men of bad character to seek the agis held over them by the Church, as a protection against the proceedings of secular justice, rather than as a stay for the spiritual wants of their nature. The difficulty is, to know how much to believe of Chinese statement as seriously meant, and how much to set down to political invention.

Summary of News.

The English mail of June 2nd arrived on the 17th instant.

The French mail of June 9th left Hong-kong yesterday morning, by the M. M. steamer *Volga*.

The English Commissioners for the settlement of the Alabama claims have been raised in rank. There have been anti-papal demonstrations in Brussels. The war expenses of France are stated at three milliards, besides five milliards indemnity. The Tichborne trial is adjourned. A telegram from Suez, of the progress of the tea steamers shows that the *Australia* maintains her lead, and the *Enterprise* and *Erl King* exactly their relative positions, while the *Craigforth*, which left Woosung one day before these, has dropped one day behind them.

The arrivals at Singapore of the *Cheops* on June 28th, *Diamond*, 29th, *Hector*, 29th, *Glendarroch*, July 1st, *Abbotsford*, July 2nd, and *Agamemnon*, 4th, are noted in the *Straits Times*.

A meeting of members of the Racket Club was held on Wednesday. The accounts show a profit, on the six months ended 30th June last, of Tls. 679.72, out of which it was resolved to pay a dividend of 5 per cent.

A meeting of Treaty Consuls was held on the 12th instant, to discuss the Transit due difficulty which has lately arisen, and various other questions. The Consuls declined to sanction the new form of application for Transit passes, which we printed in a recent number.

The interminable and irritating Soochow Creek Bridge question comes up again in full force, in the minutes of a Municipal Council meeting which we print elsewhere. The failure of the Bridge Company to complete the new bridge by the 1st of July 1871, broke the contract binding the Council to pay Tls. 1,500 a year to commute foreign tolls. Negotiations were entered in to, with a view to purchase the bridge or to renew the commutation, but seem to have had an unsatisfactory termination. We expect the only solution will be for the public to build a bridge themselves. For the Bridge Company to speak of the cost of the present bridge, and 18 years tolls, as the terms of sale, is extravagant.

At a meeting of the French Municipal Council held on the 3rd July, Mr. Forbes handed in documents relative to the proceedings he had been authorised to take against the Municipal shroffs and Mr. Godaert. Mr. Voisin was appointed to continue the necessary proceedings, during Mr. Forbes' temporary absence; and it was resolved that Mr. Weill be required to continue the investigations, but that the special Committee be dissolved, as the affair was already before the proper tribunals. A scheme for reorganising the system of collection was submitted, and time taken to consider it. An application was received from the collecting shroffs and from Mr. Godaert, for their salary for the month of June. It was resolved to pay the same into the Chest of the French Consulate-General, pending a further decision. An application from Mr. Lepissier as candidate for the post of Secretary, was filed.

A letter was read from the Secretary of the English Council, accepting an offer to contribute Tls. 200 towards the creation of a Home for distressed foreigners, and promising to receive any such who might be sent from this Concession.

The Supreme Court has been occupied during three days with a heavy collision case. The British steamer *Norna* ran down and sank a junk near Video. We print, elsewhere, a report of the case. The decision is fully in favour of the junk.

We understand that costs in the case of *Mahlmann v. Groom, Bidwell* and others, have been disallowed.

We have to acknowledge a volume of the Returns of Trade at the treaty ports in China for the year 1870, which we shall take occasion to review at length, in a few days. In the meantime we notice that the gross value of the trade of Shanghai was Tls. 106,425,772 against 110,082,853 in 1869. Nearly 9,000,000 pieces of cotton goods, and 814,000 pieces of woollens were imported; and 30,000 peculs of raw silk, and 664,000 peculs of tea, were exported.

A paragraph in the Customs Daily Returns announces that, in future, the names will be published, of Foreigners who take out permits to land opium, and the quantity specified in each permit.

We have to acknowledge a report by M. Legendre, U. S. Consul at Amoy, on Amoy and the island of Formosa.

The Japanese Ambassador to China, Daté, Prince of Uwajima, arrived on the 13th, by the steamer *Golden Age*. The Japanese flag was first hoisted at the Consulate, on that day. His Excellency's mission, according to the *Japan Times*, is to make a commercial treaty, similar to those already concluded with European nations.

There is a rumour, for the accuracy of which, however, we are unable to vouch, that the United States Government is in correspondence with that of France, with regard to a joint expedition against Corea. It is supposed that the forces the French can bring from Saigon, added to their fleet in these waters, would suffice, together with the United States force in China, to complete the work which the partial attempts hitherto made have failed to accomplish.

The fact has been frequently brought to our notice, that every word which appears in the *N.-C. Daily News* and *N.-C. Herald* is translated for their own information, by the Chinese officials. We fear that some of our remarks may be misunderstood, from the same defect which disqualifies Foreigners, often, from appreciating the full force of *Peking Gazettes*. But we commend the following paragraph to the especial attention of the Chinese authorities, with reference to the advantage that would probably follow from the establishment of a railway between, say, Peking and Tientsin, or Soochow and Shanghai. It may also afford a hint of the way in which railways, by creating new industries, provide employment for those thrown out of the work to which they have been specially accustomed:—"One of the chief items in the increased traffic receipts of the Great Western Railway, is the carriage of immense quantities of mackerel and other fish towards London from Ireland and Cornwall. The Irish fish traffic is almost a new one, and has already reached extraordinary dimensions. Fast steamers are employed to bring the fish over from the coast of Ireland. The cargoes are landed at Milford Haven, whence they are despatched by special train to London, and the North. It is not unusual for two of these 'fish trains,' of 30 or 40 trucks each, to pass through Swindon in one night, and by special arrangements they are enabled to reach London in time for the early markets. On Friday night last, 4,000 boxes of fish, weighing 350 tons, were sent from Milford to London, and during the month of March the total quantity carried over the line was 1,800 tons. The Cornwall traffic is also

very large. During the present season, so far, about 1,200 tons of mackerel have been brought up from West Cornwall to London, against 300 tons conveyed in the same period last year. The profit to the Company on this newly developed traffic is very considerable, and the benefit conferred on the public by the cheap and constant supply of nutritious food, must not be lost sight of."

We learn with much satisfaction from CHEFOO that H. M. S. *Ringdove*, with Mr. Mayers, H. M.'s Acting Consul, on board, returned from Corea on the afternoon of the 12th inst. bringing back the British subjects Starick and Campbell, together with eleven Chinese, who were surrendered by the Corean authorities on Sunday the 9th inst., without the use of force. The prisoners had been well treated, under the charge of a high native official, by whom they were given up to Commander Maquay and Mr. Mayers. Information obtained by these officers and Lieutenant Hassenpflug of the German corvette "*Hertha*," who accompanied the expedition, leaves little doubt that the third European, Brinckmann, must have met with foul play on board the junk, as he did not land in Corea. The *Ringdove* visited the port of Li Tau, on the South coast of the Shantung promontory, on her return voyage, where the junk is detained, for the purpose of making inquiries there, and further investigations will of course be made. The *Ringdove* also brought back some of the material saved from the wreck of the *Chushman*, and we understand that the expedition has been altogether a most interesting one.

By a curious and perhaps not wholly accidental coincidence, the anniversary of the Tientsin massacre—June 21st—was marked at CHEFOO by a very considerable assemblage of men-of-war of different nationalities, numbering seven large vessels in all. First and foremost was H. B. M. iron-clad frigate "*Ocean*," Capt. Hewett V.C., which arrived on the 19th inst., from Nagasaki. Beside this stately vessel there were in harbour H. M.'s corvette "*Barrosa*," despatch vessel "*Salamis*," flying the flag of Vice-Admiral Sir Henry Kellett K.C.B., and troopship "*Adventure*" with the marine battalion on board. The French iron-clad corvette "*Alma*" and corvette "*Cosmao*," with the Prussian frigate "*Hertha*," complete the list of what is probably the heaviest squadron that has ever rendezvoused so far to the northward in these waters. The 20th June, being the anniversary of Queen Victoria's accession, was celebrated by a royal salute at midday from all the vessels in harbour, the men-of-war and merchant-vessels in port having also "*dressed ship*" for the day. On the following day the Taotai paid a visit to Admiral Kellett on board the "*Ocean*," and afterwards called on board the French and Prussian flagships.

The *China Mail* hears from native sources that a tempest of most destructive character recently passed over the central portions of the CHEKIANG province, and is curious to see how far the statements of its native informants will be confirmed from the North. Our contemporary will be interested to learn that the storm was considered

a sufficiently grave event to find a record in the *Peking Gazette*. The descriptive report of the local officials, is quoted verbatim, in an Imperial Edict dated June 7th. It says pieces of ice fell as large as a man's hand.

The *China Mail* explains the cause of quarrel between the Chinese and the Macao Government. The Kwantung officials sought to place a Custom-house on Macao territory; and collected a number of war vessels off the town. The Macao Government refused to have the Custom-house, and threatened to fire if the ships were not withdrawn. The ships were withdrawn; and it is said a compromise is likely to be come to, by which the Custom-house will be placed at a distance from the Macao boundaries.

A MANILA correspondent writes:—The Spanish Government have advertised for tenders to convey our mails to Singapore, to meet the P. & O. there. They offer a subsidy of \$5,000 for the round trip, which, with the passengers and freight, should make it remunerative. The differential duty being off, goods are pouring in from Hongkong. On the 1st July a new tariff of import duties comes into force, and then re-exports will be revised. There has been heavy weather in the China Sea; we had the tail end of a typhoon on the 25th and 26th ult.

HIOGO papers contain further particulars of the damage done by the late typhoon. Hundreds of junks and native houses were destroyed at various places on the coast. It is feared that the influx of the sea will injure the rice crop, in places. The wreck of the British barque *Pride of the Thames* has been sold at auction for \$1,500. The Japanese have a report that every night since the recent typhoon, one of the Kami, or native gods, comes out of the sea, at Mishinomiya, and that his footprints are to be seen on the sand beach. Some of the inhabitants removed the impressions, but each time this was done they were renewed. The length of each footprint is 30 inches, the breadth 12 inches, and the stride measures five feet, it is said. A report is mentioned that Mr. de Long, the U. S. Minister, is likely soon to leave Japan.

NAGASAKI and YOKOHAMA news will be found in our correspondents' letters.

The only news we can discover in HONGKONG papers is, that H. M.'s gunboat *Woodcock* has been sold at auction for \$2,800.

It is only a very short while since the navigability of the Irrawaddy to BHAMO was discovered, and only last year that it was resolved to run a steamer there with sample articles of trade. Now, the trip seems to have become a matter of course. We find, in the *Rangoon Times*, the following paragraph:—"The Irrawaddy Flotilla's fine steamer *Rangoon*, Captain Antrim, leaves this for Bharno on Friday next. An excellent opportunity is thus offered to those in pursuit of health or pleasure who have a taste for beautiful scenery, to make one of the most agreeable trips that we know of in the East. A noble river, a fast and comfortable steamer, an able and agreeable commander, and an excellent table—what more could be wished?"

Editorial Selections.

MENDACITY.

THE porcelain tower at Nanking was destroyed by the rebels, because they had been taught to believe that precious stones were inlaid in the walls, and that the ball which surmounted the structure was of solid gold. Of course neither jewels nor gold were found in the building. Thus a lie impudently handed down from generation to generation, was sternly and signally punished by the demolition of a stately and beautiful national monument, long regarded as a wonder of the world.

There is some significance in the incident. It is a kind of parable that represents forcibly enough the chastisement which ever follows that form of vice to which the Chinese people are peculiarly addicted. Like the Cretans in the time of the Apostle Paul, they are "always liars." We quote in this regard the testimony of a recent traveller, the Rev. Dr. Williamson, a writer who has certainly no bias against the Chinese. He says: "And worst of all there is no truth in the country. Falsehood and chicanery are their hope and their weapons. Scheming has been reduced to a science; deceit and lying placed upon the pedestal of ability and cleverness. The common people know not when they may be pounced upon by their own protectors; and so a paralysing sense of insecurity pervades the country throughout its whole extent." Again, he says, in another place, "The last obstacle in the way of progress to which I shall refer, has been already hinted at—viz., the absence of truth and uprightness and honour. This is a most appalling void, and unfortunately it meets one in all classes and professions of the people." Now if these statements border on the truth, and we may fairly believe that they are not inconsiderately set down, we are driven to believe that mendacity is the national vice of China. Let us endeavour to see, by the sidelights thrown on the subject by recent European events, whether this is or is not an exceptional and isolated case.

Our meaning, however, must be limited and guarded. We do not pretend to say that the Chinese are devoid of principle in money dealings. Without reliance on each other's bond or word, it is clear that mercantile transactions would be impossible. As the authority just cited observes, further on: "I do not refer to money matters, for, as a rule, they stand well in this respect, inasmuch as they know that, unless they fulfilled their business engagements, they would soon cease to have any business at all." The mendacity we complain of is observable notably in their political life. The officials, from the Prime Minister to the lowest *topao*, are tainted with this vice. The lying spirit which in Hebrew history entered into the prophets of Abah, seems to have taken up his dwelling in the mandarin of the Middle Kingdom. We have heard this phenomenon attributed to the one unlucky passage in Confucius, the evil influence of which Dr. Legge so magnifies; but we rebel

to believe this. It is a national vice which nothing but a moral and political revolution will cure. But we believe that it is a vice curable by Revolution, and by the terrible self-knowledge that Revolution brings with it, for we see indications that the days of Government by misrepresentation are over at least in one great European State. It is a long journey even in these days, from Peking to Paris. It is difficult to find similitudes and parallels between the action of people so far removed from each other as are the French and the Chinese; yet, looking on the history of past years, do we not see that, in France as in China, falsehood has been the chief engine of government? Facts have everywhere been distorted or suppressed. The smallest modicum of truth was always considered enough to satisfy the national appetite.

It is humiliating to write this, but we are constrained to do so by the history of the Franco-Prussian war, and by an examination of the state of affairs that went before it. For years the people had known nothing of the real situation, or of their own true position in Europe. The Sadowa campaign opened their eyes a little, and a few fearless and independent men like Mons. Lavaleye declared that the great want of France was education, and that the great educator required was a truthful, capable, intelligent Press. These voices were soon drowned however, and things drifted on to the inevitable end. Now it seems to us that the history of France may teach a lesson with respect to China. Government by mendacity sooner or later must collapse. The Chinese system is so amazingly intricate, and the interdependency of one falsehood on another is so aptly arranged, that it promises to last for a long time. The weak strands of the rope that ties it all together are so neatly intertwined with the few strong substantial threads, that there seems little chance of the cordage snapping; but a slight extra strain in any particular point may at any moment imperil the whole. If one or two existing abuses are continued too long, if either of the great satraps Li or Tseng find themselves strong enough to open the eyes of the masses to the corruptions of the Imperial Government, or if the enlightenment which Western intercourse, with all its drawbacks, is undoubtedly bringing, enables a few bold intelligent men to see through the solemn quackeries of the literati and to expose them, the scales will fall suddenly from the eyes of the Chinese, and they will awaken to the unpalatable truth. These events, however, are not likely. We fear that, as to France so to China, the truth will dawn after many days of darkness, and perhaps even as the tinsel and paint of the Porcelain Tower was discovered, after the horrors of war.

COREA.

THE readiness with which the Koreans gave up the Englishmen who had proceeded to look after the wreck of the *Chusan*, as well as the general style of treatment experienced during their involuntary stay in the country, seems to contrast strangely with the manner in

which the American fleet was received, as also to still further deepen the mystery connected with the *General Sherman*. That, notwithstanding the state of exasperation in which the Koreans doubtless found themselves, after the attack on the forts by the American fleet, they should not only have refrained from injuring the crew of the *Chusan*, but have received in a friendly manner the adventurers who went over after the sale at Chefoo, to look after her wreck, seems to imply that, with all their hostility to foreign intercourse, there is yet some method in the manner of displaying it. The untrustworthiness of the Chinese version of this latter affair is noteworthy, and leads to the suspicion that possibly interested Chinese have really been at the bottom of the difficulties which seem to surround our intercourse. The story was so well told, and bore such a similitude of truth, that it is not surprising it received ready credence. Had the recent complications, and the fact that the visit of the British subjects was in a manner clandestine, and in the last degree foolhardy, decided the British Naval authorities that interference would be impolitic, a tale of wrong, not much inferior to that of the *General Sherman*, would possibly have had to be revenged. The two Englishmen had visited the country under such peculiar circumstances, that, however anxious to keep up the prestige of the British name, no official could feel himself called on to take any hostile steps. The men had apparently rushed to their own destruction, and had they met with the fate reported of them, it is difficult to see how they personally could have had cause of complaint against their own authorities for refusing to help them out of a difficulty of their own making. Such might fairly have been the view held by the Naval officer in command, and acting on this view, and looking at the possible eventualities of an interference, he might have hesitated before despatching a vessel to look after the missing men. As it was, the Naval officer in command happened to be a man of another stamp, and to this fact we probably owe the satisfactory ending of the affair, so far as the British subjects at least were concerned. The Korean Government has likewise had the opportunity of showing that it has not quite forgotten its former character, and that, however indisposed to open its ports and markets to the world, it is yet mindful of the ordinary duties of humanity. In this respect it contrasts with the vaunted civilisation of China. Korea, more anti-foreign than China itself, lends a helping hand to the distressed, while the Chinese look upon a wreck simply as affording the opportunity of so much plunder, and have no scruple in stripping and maltreating the unfortunates whom bad weather may have cast on their inhospitable coasts. The visit of the *Ringdove* has had this, so far, satisfactory ending, all the more noteworthy that it followed upon the diplomatic repulse of the Americans. Should it open the way to a more peaceful settlement of the difficulties of the Koreans with the outer world, the wreck of the *Chusan* will not have been without its advantages.

CHEN-KWO-JUI.

The expectation that Chên-kwo-jui was about, in the course of events, to pay the penalty of his crimes has, we learn, for the present been disappointed. Whether Tseng-kwo-fan really looked upon the quarrel with Li-chan-soo as a merely private affair, or whether the influence of the hero of the Tientsin massacre is still too strong for the Viceroy, remains to be proven. In any case Chên has merely been degraded one step in official rank, and has been ordered to reside without the limits of the Kiangnan province. The ostensible crime for which this punishment has been inflicted, is his connection with the mob which, as we related before, attempted his rescue at Kwachow, and which in doing so drowned one of Li's wives, after violating all the women found in his boat. We have not heard of any punishment having been inflicted on Chên's nephew for his part in the riot, nor do any of the actual perpetrators seem to have suffered for their share in the transaction. The whole affair is characteristic of the state of disorganization into which the Empire has fallen; it being in the power of a bully like Chên-kwo-jui to apparently set law and order at defiance, and to bring about complications which may at any moment involve the country in a foreign war. Meanwhile, Chên-kwo-jui goes to congenial soil. He is said to have set out for Hunan, his native province and notoriously the most turbulent in China. Chên in Kiangsu, amongst a naturally peaceful people, was able to stir up contention and raise formidable riots. It may save Tseng-kwo-fan from any responsibility as to his future acts, that they will be committed without his jurisdiction; but in the interest of the Central Government it is scarcely advisable that a firebrand should be pitched down amongst a population naturally so excitable as that of Hunan. The other worthy mixed up in the recent Yangchow scandal, Li-chan-soo, seems to have come to worse grief than his antagonist; having, it is said, been stripped of all rank, and sent into Honan. Such a proceeding may of course place him more in the power of the authorities, who would not fear to act against a titleless man, when they would hesitate in punishing one of their own clique. It is likely that Li may consider himself an injured man in the transaction; his antecedents morally and politically are none of the brightest, and with the means, there is little doubt that he would hesitate as to the method of using them. Li as a rebel was formidable enough to be bought over, and Honan was the scene of his former exploits. So far, then, from the recent storm at Yangchow having cleared the political atmosphere, it seems rather to show that disturbing elements are in existence, and that there exists in China at the present moment a party sufficiently powerful to paralyse in a great measure the action of the local officials.

OUR FELLOW-RESIDENTS.

We are perpetually hearing of the obligations of foreigners to the natives. There is no commoner theme than the duties of residents in Chinese ports to

the vast heathen population around them. We are reminded of our superior privileges, and of the obligation that is laid on us to set good examples, and to conduct ourselves with social propriety and orderliness, in the sight of the celestials. There is force and reason in this often urged appeal, and we should be the very last to say it should not have due weight given to it; but there is another side to the shield. The medal that has a British tar beating a wheelbarrow man on one side, has on the obverse a representation of a Chinese sing-song, and a legend which contains a word beginning with L and ending with G.

The time is opportune come to bring this phase of the question forward. There are now dwelling in the settlement a large number of Chinese enjoying Municipal protection, and treated, as far as privileges go, on a footing of equality with Europeans. This being so, it would be highly desirable to ascertain their exact status. Are they to be treated as savages or as civilized men? We contrive at present to give them the immunities of both. They are protected in their industries, and guarded by law like British subjects and American citizens, but they are also allowed to commit a hundred improprieties because they know no better, and we must not expect too much from persons in a transition state between civilization and barbarism. There is a well known story of an English swindler, who had his front parlour in one county and his back parlour in another. If you wished to arrest him for frauds perpetrated in Northamptonshire, he stepped across into Leicestershire; if you wished to punish him for obtaining goods or money under false pretences in Leicestershire, he crossed the boundary and declared he was a dweller in Northamptonshire. Our Chinese fellow-citizens play this trick over and over again. When they want assistance or protection, they are civilized men, dwelling amidst the decencies and restrictions of a Europeanized Society; when they are prosecuted for misdemeanours and violations of social and public propriety, they are defended as dwellers in the twilight region of barbarism. In fact, you cannot tell how or where you can have them. This state of affairs is patent. It is a known fact that Chinese every day commit breaches of decorum that are flagrant, yet we are never able to reach them. Take instances.

They occupy large premises in the heart of the Settlement that are really nests of foulness and disease, as well as of moral corruption. They make such hideous noises at night in theatres and similar institutions, that the sleep of hard worked men is jeopardized, and the rest necessary for the recovery of the sick rendered impossible. When they build houses, they make so detestable a clamour that it is impossible for a man who lives in the neighborhood to work, to think, or to repose. They never meet for conviviality without screaming over their favourite version of the Italian game of *Mora*, in a way which prevents one from either speaking with comfort or hearing the remark of a guest. One of the Counsel employed in the *Norna* collision case, lately

observed with truth, "China claims to be civilised, but at the same time neglects or refuses to bind her nationals by regulations adopted by every civilised country." This is undoubtedly the case in other matters, political and social, as well as in the special matter at issue. The equality claimed is altogether too much on one side. Mr. Forrest's disclosures in regard to the Mixed Court, afford one instance in point. We have quoted a few cases of social inconvenience, which furnish another. We quite admit that the Chinamen have something to say on their side. They do not appreciate their junks being cut down by steamers at sea, or smashed up in the *Peiho* by ships which are too large to navigate it safely. They object to being flicked with whips because they do not move out of the way of traps, quite so fast as they might, yet feel almost as natural a dislike to being run over as an European would feel to either the blow or the hurt. They cannot, however, claim sole possession of the boat. There is another one very much like it on the European leg. The foreigner has opinions, sentiments, feelings and prejudices which have at least an equal claim to respect with those of his native fellow-citizen, and which the latter often very much outrages.

Outports.

NAGASAKI.

All preparations seem now to be complete for working the telegraph at this port, as soon as the cable can be landed from the steamers,—expected, we are glad to hear, at the end of this month. The Bellevue Hotel has been taken as offices by the agent of the Company; and, as I hear that Mr. Russell's staff will number eight Europeans, a more suitable building could not have been found. From the hotel, the land line, consisting of double wires, is now stretched along the New Road; over the Patent Slip Hill, down into the Tomatz valley, and there continues the road until the small sandy inlet is reached opposite to the island of Pappenberg, about two miles from this. Here the land line disappears into the connecting house, and here in a short time it will be joined in useful matrimony with the heavier cable shortly to be raised from the sea below it. May the link be a permanent one, and may this bond between East and West, completed by the science and energy of man, never be severed. The completion of the telegraph system to Nagasaki will undoubtedly benefit this place, especially as a shipping port. It is generally understood that this is to be the Naval Station in the East for the English Navy; at present there is no English man-of-war in harbour, but the completion of a telegraph between Nagasaki and the Admiralty will doubtless collect English and other men-of-war in this commodious anchorage.

The funeral of Doctor Newton, whose death I briefly informed you of by the last steamer, took place on Tuesday. It was attended by almost every resident in the place, by officers from all the men-of-war in harbour, by the Consular body and by a large detachment of men from the *Alma*, *Almaz* and *Tordenskjold*, whose Bands, playing alternately most appropriate music, gave an imposing effect to the ceremony. This melancholy and sudden death will probably postpone for some time the establishment of the Lock Hospital here; and it will be for Dr. Newton's successor to overcome the prejudices of the natives,

who seem persistently to have set their faces against the system, which has worked so well in the North.

The weather here continues to be unusually free from rain, and hot to a degree, or rather to ninety-five degrees. Unearthly noises are made every evening by infatuated and naked coolies, invoking their god of rain by striking the water with their paddles as, 20 or 30 in a boat, they race about the harbour, beating gongs, tom-toms and shouting hideously. I cordially join in their desire that it should rain at once, if not sooner.

The French corvette *Alma* left on 14th for the Inland Sea, and we have now only the Russian clipper *Almaz* and Danish frigate *Tordenskjold* in harbour.

As regards business there is a little activity in some Imports, which will improve after the opening of the Tea market. The new leaf is later this year than usual, owing to the country dealers showing unusual firmness in holding their "pickings." Prices at first promised to be cheap; but many local buyers, thinking the same, went up country together to buy cheap, and behold the tea-plaunters would not sell unto them at the rates they expected!

YOKOHAMA.

Of course, by this time, you will have heard of the terrific typhoon which happened lately at Kobe, causing the loss of so much life and property. We had a sniff of it here, and were quite expecting a gale. The P. & O. steamer *Ottawa*, bringing up the mail, met it and lost spars and boats, as also the *Barossa* and other steamers then near the coast.

Daté, one of our biggest swells here, has gone over to China to make a treaty of friendship. The Japanese were anxious at first to make a treaty according to which China would have to help them if they got into trouble, or *vice versa*; but when it was pointed out to them that soon China might be involved in difficulties with foreign powers, they wisely thought it might be awkward for them if such a treaty existed; it hadn't struck them in that light, so they thought better of it.

Mr. Seyd, who absconded some time ago, having first done a few playful tricks with native merchants and others, was heard to express great sorrow in Hongkong that the telegraphic communication 'twixt that port and Shanghai was not in working order, as he expected some important news to be telegraphed to him from this. We fancy he must have expressed similar sentiments, only of a more genuine description, in Singapore, for the law claimed him as her own there. He will be "forwarded" here, when evidence is sent down, sufficient to detain him.

The Russians have at length made up their minds to take the island of the Saghalien, and for this purpose are sending up a fleet of ships to put things 'square,' to fortify the island and place convicts on it. The Japanese are sending a corvette up to remonstrate. On this the *Herald* jauntily remarks that they are certain to lose the island, so the only use of going up is to try and lose their corvette too.

The French Amateur Dramatic Corps have given their first performance in the Gaiety Theatre. They had a large and generous audience, and the plays went off with great success.—The Xth expect to be moved by the end of the month, the *Tamar* being to leave Singapore on the 10th inst. The *Adventure*, with the Marines is hourly expected.—Fever is very prevalent in the camp just now, chiefly amongst the late arrivals; a few deaths have taken place, and over sixty cases are in hospital.—The *Barossa* has arrived from Chefoo and the *Ocean* and others of the English Squadron are expected. The *Ocean*, it is said, will be the ship to pay the Summer visit to Hakodadi this year.—The Home Insurance

offices have at length reduced the premium on Godowns from 2 to 1½ per cent, but allowed the local offices first to reap a goodly harvest at the reduced rates. The Royal—and Liverpool, London and Globe have retired altogether. The news from the Corea is very vague, and the want of a professional correspondent is much felt. An undertaking of so vast a character demanded the presence of some competent scribe, to chronicle the history of events.

The following ships of war are in harbour:—English—*Barossa*, *Juno*, *Hornet*. French—*Lincol*, *Seynd*. American—*Idaho*. 12th July, 1871.

COREA.

The *Ringdove* returned yesterday from the Sir James Hall group, off the west central coast of Corea. The prompt action of H. M. Consul in the rescue of British subjects seized by Coreans has been crowned with perfect success, and the English flag has won a new prestige. Mr. Mayers brought back with him Mr. Starich and Mr. Campbell and a considerable amount of property saved from the wreck. Upon landing, they were told these two foreigners would be produced from ten miles in the interior, where they were; and at last some forty bullock wagons were seen coming over the hill, loaded with property saved from the wreck. The English party were requested to take what they wanted, for the Coreans would burn the rest; and what they thought not worth while to bring away was accordingly burned, before their eyes, upon the shore.

The wreck had already been burned, by order of the Government at the capital, so far as they knew how to burn her. Their two prisoners, Messrs. Campbell and Starich, were allowed three meals of rice, &c., per day, and, though restrained in liberty, not otherwise harshly treated. They learned that a foreign vessel had arrived, and that they would be given up the day the *Ringdove* anchored. It seems quite possible that Consul Mayers' promptness led to the rescue of his countrymen before orders had been received from Seoul concerning their fate. It is four days' journey to Seoul and back, and Mr. Mayers having reached the scene about four days after the first seizure was effected, renders this a probable surmise. It is unfair to no one to say that like despatch and consequent success has rarely been seen in China, and we hope that Mr. Mayers and all concerned may get some small fraction of the credit they deserve. The fate of the third European, a German subject, is uncertain. It seems rather probable that either he was killed by Coreans while still aboard the Chinese junk, or that his own Chinese crew made away with him while he was trying to prevent their running away from Corea. This is a matter into which rigid enquiry should be made. It is to be hoped that inquiry will now be directed to the fate of several British subjects of whom no certain intelligence has been received since the sailing of the *General Sherman* for Corea, in August 1866. Stories were circulated not long ago that Mr. Thomas was still detained alive; and the good success of the recent effort should cause a fresh attempt to be directed to his rescue if still alive, or to inquire into the circumstances of his death, if he met, as has been feared, a violent death. Such intelligence can with propriety be demanded of the Corean Central Government; and any one of twenty of the British light draft gunboats in Chinese waters is in every way fit to enter the Ping-yang river, to the spot where she met her fate, and inquire, by word of mouth from the peasantry on the immediate scene of the outrage, into the circumstances of her passengers' destruction. The burning of the wreck of the *Chusan* by the orders of the Corean Government only further exhibits the ex-

treme exclusion decreed by the Government, and the question again rises whether western nations have any rights of property in their stranded merchant ships which may be blown on the Corean coast. Corea is now the only coast where stranded English ships are without effectual recourse. We hope the favorable weather may be improved to look up the fate of the British subjects of the *General Sherman*, while the visit of the *Ringdove* is still in mind of the Coreans, and while the temperate conduct of the Coreans in this last case still holds.

The report that the *Hertha* is to leave to look up the wreck of the N.-G. *Volador*, just lost upon the Corean coast, is as yet, we believe, without foundation other than the well-known spirit of her officers. We may, however, confidently expect that she will go, though only reasoning from what we know of Prussian spirit. The *Ringdove's* late expedition, indeed, renders the Prussian one a matter of course; and now the *Ringdove* has shown how property can be saved, by her success in the case of the *Chusan*, the case of the *Volador* will surely not be disregarded. But promptness in such a case is everything.

Chefoo, 13th July, 1871.

MACAO.

The Customs Battle of the Barra appears to have been won without fighting at Macao by the Portuguese, and the excitement has in a measure subsided. There can be no question, however, but the old sore of sovereignty has been again somewhat chafed by the present attempt to establish a Chinese Custom House under the very muzzles of the Barra guns, and great irritation has been caused on both sides. There seems to exist but a very imperfect understanding between the Macao authorities and their Chinese neighbours, and both parties appear to hold extreme views touching the actual proprietorship of the Peninsula. The Portuguese, having held the place for nearly three centuries, and driven out at various times the native authorities, both military and civil, from its limits, claim an indisputable right over the narrow strip of territory. While, on the other hand, the Chinese, regarding the peninsula as possessed under conditions very much different to those on which Hongkong is held, regard the settlement of Macao as something tolerated by the magnanimity of Celestial authority and Imperial superiority.

These circumstances may more easily explain the feelings called into lively action upon the expressed intention, on the part of the Chinese authorities, to plant a Custom House either on the peninsula or, directly under the guns of the Barra Fort, on the island of Haeshan. The request appears to have taken more of the form of a determination than suited the mind of the Portuguese, and the resolution to resist accordingly became the predominant feeling with the warlike instincts of the Macaense. A first refusal was given, and a certain time was fixed for the removal of the Anglo-Chinese fleet, which had somewhat menacingly rendezvoused in the Macao Harbor. Things looked rather ominous, and people smelt powder in the distance. Preparations were being made on both sides. The Imperial Chinese fleet of gunboats was increased in Macao Roads; and, on shore, the big guns were trained on the objects of attack from the Barra Fort, while the arrangements of the Portuguese corvette and gunboats, and of the land forces, were as complete as Western experience could have made them. Whether or not, had the shock come, the foreign employés of the Chinese Hoppo or Viceroy, would have fired upon their fellow foreigners, is a question we do not care to

discuss. We rather think that the Chinese were very discreet in relieving their foreign servants from coming to a decision on such a point; and that the Battle of the Barra has therefore been indefinitely postponed. An ultimatum, we understand, was sent in to the Chinese by Governor Souza, to the effect that, unless the Anglo-Chinese fleet left the Macao waters by 12 noon that day, he would open fire upon them from the forts on shore. Although no less than eight gunboats were rendezvoused in uncomfortable proximity to the forts, this order it appears has been complied with, so far as the withdrawal of the men-of-war is concerned; and it would seem, as things at present stand, that the Chinese have left the Portuguese masters of the situation. From our private advices, we learn that firm preparations made on shore denoted a strong determination on the part of the Macaense to resist the slightest encroachment; and the most serious results might have followed the slightest aggressiveness exhibited by the Chinese. It fully appears, from our private accounts, that Governor Souza is an admiral of the proper stamp, and will endure nothing in the shape of undue pressure without a very sufficient reason for the same. As foreigners, we cannot for a moment blame the gallant gubernatorial Admiral. In resenting any hasty or undiplomatic attack on his rights, he seems to us to be perfectly justified, and we cannot but approve of the course he has taken; and may heaven defend the right. —China Mail.

HIOGO.

Kobe has been visited by one of the most severe and destructive gales ever known in Japan. On Wednesday last (the 5th), it rained hard during the evening. The barometer fell rapidly, and there was every indication of a typhoon. About 8 o'clock, a few sudden gusts told us that it had commenced, and it gradually increased to a regular typhoon. I saw everything in order about the house, and went to bed about eleven; but, as the house was shaken so much, I could not sleep, and kept walking about till nearly one o'clock, when I heard a lot of Japanese shouting in the street. I opened the window and looked out, and saw several inches of water in the street, the sea breaking over the bund wall with great violence. I called every one in the house; and had my books and as many valuables as possible put up-stairs, and I then went out to see what was the matter. By that time, the water in the street was about 3 feet deep. I scrambled as far as the bund, but had to support myself on several occasions by the rails of the Netherlands T. S. house. Nearly every ship in the harbour had broken from its moorings; and all were drifting on shore. By this time the water was at its greatest height. I returned to the house and found it just up to the floor of the lower rooms; a few inches more and they would have been flooded. In the back yard, the water was up to my waist; kitchen and boys room, full of water. As nothing could be done at home, a few of our good swimmers and I then went to the beach to be ready to save anybody that might be in danger. We went to the eastward, as there were a lot of people living on low ground beyond the river. Three of us crossed the river with difficulty, and found all had escaped, but most of the houses partially washed or blown away. We returned to the Concession, and found the water subsiding. We then went to the west, to see what could be done in the native town. Opposite the Bellevue Hotel, a fine large ship, the *Pride of the Thames* had capsized, and the sea was breaking over her; we could see several men clinging to the rigging, and a lot of men trying to launch a boat to go off for them, but as only one old oar could be found, I proposed to swim out with a rope; and after a pretty hard

swim, three of us got to the wreck. The rope got entangled several times, and we had great difficulty in holding on. We found four men on different parts of the ship; one, B. got on to a log of wood and swam on shore with him. I now made for the other men, and had a narrow escape myself. I was scrambling over a lot of rubbish when a heaving sea came, and I was driven under a lot of ropes, spars, &c. I got to the top again, and tore off my trousers and shirt, and was soon beside the men. I was just getting one man on a spar to take him on shore, when the boat was got alongside by our rope, and we all three got on board and safely landed on the beach. The captain, 1st, and 2nd officer, and steward, are drowned. We never saw them. We went to my house, had a cup of coffee, changed clothes, then started off to visit all the coast. We had to climb over houses, steamboats, and all sorts of rubbish until we reached Hiogo bay. There was the wreck of a junk to be seen in the harbour. We noticed that some men were upon it, and wanted the Japanese to go out for them; but they said there was nobody on it, and would not go. We then forced a lot of them to carry a boat to the beach and launch her, and got into her intending to go out; we had two Japanese with us; but just as we were starting, they refused to go, and would not let us go. At last, four of them volunteered to go out if we would leave the boat; we did so, and they got to the junk with great difficulty, and brought of two old men and two little boys, who were so cramped they could not walk. We went along the coast for some time, but as the sea had gone down, and there was now little danger, went home again.

The damage done to Kobe must amount to many thousand dollars, amongst Europeans and Americans. The Japanese have suffered severely. Beginning at the east, I will now give you an account of what I saw myself. Nearly all the butcheries, coal sheds, and some dwelling houses are swept away; cattle and pigs were running about in all directions, all the coals belonging to Government have been washed away; the gymnasium and boat-house have been damaged; Board & Co., shipbuilders, have lost a great deal of property; a fine steamer they were building was thrown a long way on to a high sand-bank. The bonded warehouses have been partly blown or washed down, and a great quantity of tobacco spoiled—the outer and inner Camber is choke full of broken junks; houseboats have been carried a long way up the settlement; the Custom House has been damaged; Messrs. Kniffler & Co.'s house has been almost cleaned of tiles and plaster, and their godowns flooded. One of the ends of the Oriental Bank has fallen down; the wall in front is all demolished; and similar damage has happened to every house on the Bund. Messrs. Smith, Baker's new wall has been all washed down, and their tea godowns have several feet of water. Mr. Heiman was nearly drowned in his own compound, and his godowns have been all under water. The Bund wall and all the lamp-posts have been knocked down. The houses on the back lots of the Concession have not been much damaged. We now come to the native town. The new Bellevue had been finished and handed over the day before; the verandahs are all washed down, and one end of the main part of the house has fallen, and will take many thousand dollars to repair. Johnson's house had above five feet of water in it; a three ton safe was lifted by the waves about 15 yards. Piotrowski's place had three feet of water in it. A large cargo boat was washed up the road opposite the P.M.S. Co.'s office. All the bridges of the creek are carried away. The fine new house and shop of Messrs. Carroll & Co. have lost their verandahs, and Carroll's store was very badly damaged. Messrs. Nachtgals' new store is levelled to the ground; they have lost everything. The old Bellevue build-

ings are all gone. A captain of one of the steamers was thrown on to the top of a house; his steamer, the *Rising Sun*, lies a complete wreck in front of the house. Tillson & Domney's house has been destroyed. From there to the C. & J. Trailing Co. the whole of the Chinese and Japanese houses are washed down, and in front it is impassable, being packed full of junks, steamboats, &c., &c. The C. & J. Co. have lost three steamers. They are all lying side by side, in pieces. Nearly all the Osaka steamers are wrecks. The store of the C. & J. Co. was slightly damaged; it would have been completely destroyed but for a lot of junks which were piled up in front. The new Bund wall to the west has all been washed away. The western *Camber*, has two to three tiers of junks, one on the top of the other; and there were many lives lost. Mr. Wignall's Iron foundry has been completely levelled; and Mr. Wignall, his wife and children, had a narrow escape for their lives. All his servants were drowned. The junk building yards and woodyards were all washed away across the fields. The Vulcan Iron Works have got off with little damage. The beach of Hiogo Bay was strewn with casks of camphor, and goods of every kind. Three small steamers were carried into the Kunga foundry. About 150 large junks were lost in Hiogo Bay with, they say, about 400 lives. The fort at the mouth of the Osaka River, and two small villages, have disappeared, and many lives must have been lost there. The whole coast from Kobe to Osaka is covered with wrecks. I believe Osaka has not suffered much. There was a report that the Mint and the whole of the town was completely swamped, but, I am glad to say, it is not true. The damage done will ruin many Japanese and Chinese, and some foreigners.

July 7th, 1871.

Public Meetings.

MEETING OF TREATY CONSULS.

MINUTES of a Meeting of Consuls, held on the 12th day of July, 1871, at Her Majesty's Consulate, Shanghai.

Present.—Messrs. Schlik, Slagok, Redding, Markham, Johnson, and Seward.

Letters from Count Mejlan and Messrs. Wentzel and Emperanza, expressing their inability to attend the meeting, were read.

The first business recited in the circular calling the meeting, was the election of Judges for the Court of Consuls, in place of Messrs. Anneke and Medhurst. It was agreed to postpone the election on account of the absence of several officers.

The meeting then proceeded to consider the letter of Messrs. Bower, Hanbury and Company and others, declaring their opinion that the use at meetings of Rate-payers of proxies for householders and resident Land-renters is contrary to the Land Regulations in this regard. After a prolonged discussion, it was decided to let the subject go over for discussion at another meeting.

The letter of the Intendant of Circuit regarding transit passes, and that of the Chamber of Commerce in the same matter, then came up for discussion.

It was decided that, in the opinion of the meeting, the matter is one of such importance that it should be considered at Peking, and a uniform system there decided upon; and that pending the result of a reference to Peking, the system heretofore observed at this port ought not to be changed. The Senior Consul was requested to draft a letter in that sense, and circulate it for signature.

A letter* from the Harbour-master, dated July 5th, was read, and the recommendation made agreed to, excepting that portion of

the final clause of the first amendment which reads, "or remove from the anchorage."

GEORGE F. SEWARD, U. S. Consul-General.

Cr. MEJAN, Le Consul-General de France.

J. MARKHAM, H. M. Consul.

J. E. REDING, Acting Vice-Consul for Russia.

E. H. SLAGER, Acting Vice-Consul for Netherlands.

F. W. JOHNSON, Acting Consul for Denmark.

RUDOLPH SCHLIK, in charge, Austrian-Hungarian Consulate, General.

Harbour Master's Office.

Shanghai, 5th July, 1871.

* SIR,—I have the honor to submit for the approval of the Treaty Power Consuls, the following alterations in the Harbour Regulations.

No. 3 to read—

"Vessels are to moor in accordance with the orders received from the Harbour Master, and not to shift berths, or remove from the anchorage without a special permit."

This will render the rule more complete and explicit.

No. 8 to read—

"Vessels arriving with Gunpowder, or other explosive material, on board, beyond the customary stores, must anchor at least one mile below the lower limit, and fly a red flag (No. 5 Marryat's Code) "at the fore" during the day, and abide by the instructions received from the Customs concerning the discharge of the same."

This alteration is rendered necessary by the removal of the Powder Hulk.

I am, Sir,

Your obedient servant,

S. A. VIGUIER,

Divisional Inspector and

Harbour Master.

G. F. SEWARD, Esquire,
U. S. Consul General,
Senior Consul.

MUNICIPAL COUNCIL.

Shanghai, 17th July, 1871.

At the general meeting of the Council for the Foreign Community of Shanghai, held at the Council Room, No. 15 Honan Road, Shanghai, on Monday the 17th day of July, A. D. 1871, pursuant to notice :

Present—

JOHN DENT, Esq., Chairman.

W. J. BLYDENBURGH, Esq.

S. J. G. JELICOE, Esq.

MIRS CORVELL, Esq.

F. NISSEN, Esq.

E. H. LAVERS, Esq.

H. P. HANSEN, Esq.

ALEX. J. JOHNSTON, Secretary.

The following report of the Finance, Rate, and Appeal Committee was read and adopted :—

REPORT OF THE FINANCE, RATE
AND APPEAL COMMITTEE.

Your Committee have the pleasure to submit to you the following Report of their proceedings :—

Soochow Creek Bridge—Purchase of by the Community.—Your Committee, in accordance with the terms of Resolution XI, passed at the meeting of Rate-payers, held on the 6th May last, wrote, on the 8th of that month, to Messrs. Hogg Bros., enquiring the terms upon which the Company would be willing to sell, to the Council, the iron bridge then in course of erection, together with existing obligations, and the rights, if any, said to be possessed by the Company under the so-called charter.

On the 29th May, your Committee again wrote to the Company requesting to be favoured with a reply to their previous letter.

On the 30th May, Messrs. Hogg replied that—"It is not through inadvertence that the letter of the 8th inst. had not received reply, but since the accident to the iron

bridge, it seemed desirable that we should have some further data than at present in our possession, before entering into negotiations with the Council. We shall address you shortly on the subject."

With the view of facilitating negotiations towards the end in view, your Committee proposed the following terms for the consideration of the Company :—

Terms proposed by Company's remarks.

"The Council shall not consider that grant to the Bridge they would be justifying an extension in binding themselves of time for the selves to complete the completion and open-iron bridge by 31st March 1872, though new lower bridge, say every exertion would up to the 31st day of certainly be made to do so. Weighty difficulties have arisen, which may cause delay, not that this is expected, for we believe that the scheme which has been devised will answer. It is desirable, however, that our Engineers in England should have full time to consider it thoroughly.

Cannot be accepted. In the event of ed. The Company's their failure + + to interests are to have complete the new bridge completed bridge within the within the shortest specified time, they possible space of time; shall pay to the if they are so un-Council the sum of fortunate as to be Tls. 1,500, as and by delayed, it would not way of liquidated be fair that they should find themselves additionally burdened to the extent of Tls. 1,500.

Your Committee reconsidered this clause, and were willing to modify the wording, so that the "penalty" would be optional, not absolute.

Terms proposed by Company's Remarks

Council in their letter in their letter of
of 12th June. 14th June.

"The Council shall "It is quite out of have the option of at our power to accede any time during the to. The Chief Share-continuance of the holders are in Eng-agreement pur-land and America, chasing all, or any and no one here part of, the property is authorized so to of the Company, with dispose of their pro-all rights attaching to perty."

After some semi-official conferences between members of the Council and Mr. E. J. Hogg, it was arranged that that gentleman should be invited to meet the Council.

Mr. Hogg accordingly attended the meeting of the Board on the 3rd instant. The Chairman explained that the object of this meeting was to definitely ascertain whether or not the Company were prepared to sell the lower Bridge. Mr. Hogg replied, that on this point he had little to add to what he said in his letter of the 14th June. He recapitulated the state-

ment, as to the absence of many of the shareholders, and that their agents could not dispose of their property without special authority, indeed one gentleman had refused to sell his share at all. Mr. Hogg suggested as a basis for the Council's consideration : The cost of the present bridge as it now stands, or after completion, allowing a discount for the unexpired term of the charter. The bridge up to the present cost Tls. 33,000, it would take about Tls. 10,000 more to complete it. The unexpired term of the charter was about 18 years. The discount would be computed upon an assessment on the probable receipts for the next 18 years, based upon the actual receipts for some years past.

Commutation of Foreign Tolls.—Messrs. Hogg Bros., on the 30th May last, suggested "to the Council that it would be well to consider what course should be adopted after the end of June in regard to the Company's contract with the Municipality, as it was evident that, owing to an uncontrollable accident, the new iron bridge could not be open to traffic. This enquiry was supplemented by a letter from the same firm dated 1st June, stating "that the existing agreement with the Council will expire on the 30th inst., by reason of the inability of this Company to fulfil the clause binding them to open the iron bridge for traffic by the end of this month (June.) That the position now is, that as the agreement is on point of expiry, a fresh one must be entered into, if it be deemed expedient to continue the commutation of Foreign tolls; and that the Council must recognize that they (the Company) are negotiating, on behalf of the public, with the owners of private property which is in reality more valuable without, than with, the commutation that has lately been accepted."

After due consideration of the question of commutation of Foreign tolls, your Committee, with your concurrence, made the following proposition to the Company; feeling assured it would be acceptable to the public, not only as a matter of expediency, and convenience, but as fair towards the bridge proprietary, and leaving the Rate-payers free to take such action with respect to acquiring the present bridge, or constructing one, as may seem expedient.

"That a temporary arrangement, be entered into with the Soochow Creek Bridge Company for the commutation of Foreign tolls for one year from 1st July 1871!

"1. That the bridge be open to Foreigners as under the agreement dated 10th January 1870.

"2. The assessment for taxation on the Bridge property to remain the same.

"3. The present footpath to be removed.

"4. The Company to keep the Bridge in repair, to the satisfaction of the Council Engineer, or other officer acting in that capacity.

"5. The Council to pay the Company Tls. 750 half-yearly in advance."

Messrs. Hogg, in their letter of the 29th June, agree to clauses 2 and 5, but object to clause 3, as being better left in abeyance—the Company not being disposed to sanction what they considered a waste of money. Subsequently clauses 3 and 4 have been agreed to by the Company.

Your Committee, in the earliest stage of negotiations, conveyed the assurance to Messrs. Hogg Bros., of the desire of the Council to treat with the Company in an amicable and liberal spirit, consistent with their obligations to the public. It is therefore with some degree of regret your Committee find Messrs. Hogg, in the closing letter of the correspondence, charge the Council "in their correspondence, of a dictatorial tone, which is not delegated to them by the Rate-payers."

Official Papers.

TRANSIT DUES.

The following correspondence has passed between the Taotai, the Chamber of Commerce and the Treaty Consuls, in regard to the points lately mooted in our columns.

TAOTAI TO CONSULS.

Shanghai, June 20th, 1871.

H. E. Too, Taotai of Shanghai, makes the following communication to the several Consuls of Treaty Powers.

In regard to Customs passes for transporting foreign merchandise into the interior; if the merchandise is the bona-fide property of a foreign merchant, purchased for the purpose of sending it to an interior market, a Customs pass can be granted.

At present there are at Shanghai a lot of foreign merchants of small capital, who not unfrequently pass goods at the Customs for Chinese, and apply for a Customs pass, in their own name, to transport said goods into the interior; whereas said goods are not their own property, they are simply acting for the Chinese owner; for which service they receive a certain consideration. Thus the Chinese, by borrowing the names of others, defraud the Government out of the taxes that would otherwise be collected, by the way, on said goods; therefore it is necessary that some regulations should be established by which a stop may be put to this fraud.

In future a foreign merchant applying for a Customs pass, if the merchandise is not his bona-fide property, two things must be expressed in the Customs pass. 1st. From what Hong the goods were purchased. 2nd. The name of the place and the name of the Hong or person to whom said goods are consigned for sale. These two regulations cannot in any way be annoying to the foreign merchants, while it will enable the Customs to arrive at the true state of things. There is no difficulty in stating, in the Customs pass, the Hong from which the goods were purchased, while the Customs having this information can be easily satisfied by enquiries at the Hong. Thus, when the goods are transported to the interior, to a certain place, and consigned to a certain Hong or person for sale, it will be easy for the Customs at such place to inquire of such Hong or person, and verify the truth or falsity of the statements made.

In addition to forwarding by the Superintendent of Customs, a blank form of application for Customs passes and instructing him to act according to the above regulations, I have the honor to enclose said form* of application for Your Excellencies inspection, and have to request that you will act accordingly.—I have the honor to be, &c., &c.

CHAMBER OF COMMERCE TO CONSULS.

Shanghai, June 24th, 1871.

SIR,—I have the honor to solicit the attention of the Consular Body to the accompanying form* of application recently adopted by the Customs at this port, in cases where merchants desire to procure Transit Passes for Foreign Goods to the interior of the country, and I beg reference especially to the declaration required, to the effect that the goods are the property of the person making the application, and to the additional information demanded as to their purchase, the agent's name to whom they are consigned, and the person on whose account they are to be disposed of.

The Chamber has already so fully expressed the views and the wants of its members with reference to the general question of Transit-dues, that I will not ask your Committee to peruse a reiteration of them, but as the action of the Customs appears distinctly to point to their insistence upon the practice of withholding

Transit Passes for Foreign Imports in the hands of Chinese, I have to request that you will kindly bring the matter to the notice of the Foreign Ministers at Peking, in order that a clear declaration of the intentions of the Chinese Government may be elicited; and should the Government purpose to apply the articles of the Treaties in a manner to exclude Foreign Imports in any case from the privileges accorded by the 10th Article of the Nanking Treaty, and the 28th of that of Tientsin, the Chamber trusts that their Excellencies will take steps to enforce the right of traders under the clauses named.

Sir Rutherford Alcock has left us no doubt as to the interpretation he attached to the British Treaty in this respect, which by the most favored nation clause in other Treaties applies equally to foreigners of other nationalities, for in his dispatch dated "On the Yangtze November 24th 1869," addressed to Her Britannic Majesty's Consul, his Excellency, contrasting Foreign Imports with native produce, writes: "It is otherwise with Foreign Imports. These are entitled to the protection of Transit Passes, whether in Chinese or Foreign hands."

This point the Chamber has always maintained; and an attempt to limit the privilege to goods still in the possession of Foreigners it is constrained to view as an infraction of the Treaty stipulations.

It cannot be urged by the Chinese Government that Article 28th of the British Treaty of Tientsin overruled the 10th clause of the Nanking Treaty, for it is expressly stated in Article 1st that: "The Treaty of Peace and Amity between the two nations, signed at Nanking on the 29th day of August 1842, is hereby renewed and confirmed."

And Article 54th reads:

"The British Government and its subjects are hereby confirmed in all privileges, immunities and advantages conferred on them by previous Treaties."

This being the case, reference is made to the plain language of the Nanking Treaty, wherein it is stipulated that:

"When British merchandise shall have once paid at any of the said ports the regulated customs and dues agreeable to the tariff to be hereafter fixed, such merchandise may be conveyed by Chinese to any province or city in the interior of the Empire of China on paying a farther amount of Transit-dues which shall not exceed—per cent on the Tariff value of such goods;" and this renders it difficult to conceive what plea can be used to authorize the withdrawal of the privilege thus explicitly granted in 1842 and confirmed in 1858-60.

A minor objection to the declaration demanded from applicants for Transit-passes is its inquisitorial character, for unnecessary enquiries into the details of the business of merchants are regarded as obstacles to trading; but the main point on which the consideration and action of the Foreign Diplomatic Representatives is asked, is the important question above brought forward, of the limitation of Treaty rights concerning Foreign Imports.—I have the honor to be, Sir, your most obedient servant.

F. PORTER,
Chairman.

To the Chairman of the Committee of Consuls of Treaty Powers, Shanghai.

CONSULS TO TAOTAI.

Shanghai, July 13th, 1871.

To His Excellency, the TAOTAI.

SIR,—The undersigned have received your letter of the 20th June, in which you propose certain changes in the transit passes system.

The undersigned believe that one set of rules for the issue of transit passes should be observed at all the ports. They believe also that the changes proposed by you, are essential innovations, likely to be very

detrimental to trade. For both reasons they believe that the subject should be considered at Peking, between the Ministers and the Imperial Government, in order that a perfect and indisputable understanding may be arrived at.

The undersigned therefore invite your Excellency to take the instructions of the Government in the matter. They will, on their part, bring the subject before their respective superiors.

The undersigned insist that until instructions shall be received, there ought to be no variation from the system which has been hitherto observed at this port, and they respectfully request you to advise the Commissioner of Customs accordingly.

The undersigned have the honour to be,

Your obedient servants,

GEORGE F. SEWARD, U. S. Consul-General.

CR. MEJAN, Consul-General de France.

J. MARKHAM, H. B. M. Consul. RUDOLPH SCHLIK, in charge of the Austrian-Hungarian Consulate-General.

ED. MOREL, Consul de Belgique.

F. B. JOHNSON, Acting Consul for Denmark.

J. E. REDING, Acting Vice-Consul for Russia.

H. P. HANSEN, Acting Consul-General for Portugal.

E. H. SLAGEK, Acting Vice-Consul for the Netherlands.

J. J. DE EMERANZA, Consul for Spain, Acting Consul for Italy.

PAUL WENTZEL, Consul for Germany.

Peking Gazettes.

ABSTRACT OF THE PEKING GAZETTES.

June 11th.—(1) Li-hung-chang reports the arrival of the sea junks at Tientsin with the tribute rice. A considerable quantity has been transhipped into cargo-boats and despatched to the capital. The boats' hatches have been carefully sealed down, and officials have been sent in charge, in order to prevent pilfering and robbery by the way, and to see that there is no unnecessary delay on the road. After the boats have arrived at Tungchow, should any deficiency be discovered in their cargoes, they have been ordered to return to Tientsin.

(2) In a supplementary memorial, Li-hung-chang reports the completion of the 300 transports, ordered last year for the imperial tribute service, and for which the Board of Revenue had granted 120,000 taels. He asks that an official may be appointed to examine these boats and formally take them over on behalf of the government.

(3) Wu-yuan-ping, a member of the Han-lin college and a grand secretary, begs to be allowed four months leave of absence, that he may go home and bring his mother, who is 72 years of age, to the capital to live with him.

The request is recorded.

12th.—(1) Chung-shih, General in command at Cheng-tu (Szechuen), and the other high officials, panegyrize an expectant Taotai called Kioh-lu heng-pao. This official was the first to organize the volunteer movement at Cheng-tu, and he afterwards had chief control of that movement throughout the entire province. He created such enthusiasm among the gentry and people, that they were willing to brave death in the imperial cause. They fought with such desperation that the enemy was repeatedly repulsed at the point of the bayonet. To him also the provincial capital owed its safety. He was equally distinguished as a soldier and a strategist. His praises are in everyone's mouth. When his period of mourning for his parents expires it is hoped that he may be admitted to an

* Vide N. C. Herald June 23, p. 465.

audience, and receive an appointment, in recognition of his eminent services.

The Board of Civil Office is directed to reward, in some substantial way, the services of the above official, Heng-pao. The formality of audience may be dispensed with.

(2) In a supplementary memorial, Chung-shih and his colleagues, bring to the notice of the Throne the distinguished services of the late Taotai Ngé-hui. In all the positions he had held, and they had been very important ones, he had won for himself golden opinions on all hands. The ten years and more during which he was Taotai of Chien-chang, he pacified the barbarians (夷) and displayed consummate skill in the plans he adopted for the defence of the border. He underwent so much fatigue in his incessant planning and fighting during the inroads of the Tieu and Fah* rebels on the Szechuen border, that he contracted a serious disease. In the autumn of last year he led the Szechuen troops over the borders, exterminated the Hui rebels and recaptured the city of Yung-pei. But the excessive toil brought on his old complaint, compelling him to retire from office, and from which he shortly afterwards died. He died quite a poor man—not a cash was found in his purse after his death. Officials and people unite in extolling him. His grandson Kuang-chao, now studying in the capital, is his heir. The merits of the deceased Taotai have been carefully sifted by the memorialists and found to be as above; they therefore pray that, as is customary in the case of officials who die from the effects of meritorious exertions in the field or in the camp, some distinguished mark of the Imperial favour may be bestowed on him, and thus his *manes* be appeased.

The Board is directed to report.

(3) Chung-shih, and Wu-tang, viceroy of Szechuen, having in a previous memorial recommended that honours should be conferred on those officials and gentry who took a specially prominent part in the organization of trainbands (or volunteers), for the defence of the province during the late troubles, now forward, as requested by Imperial mandate, the names of those deserving such distinction. Less conspicuous individuals will have their services rewarded by the provincial authorities.

The Board of Civil Office is ordered to report.

14th.—An edict is issued on the report of the Commissioners Kuei-chang and Yung-chuen, who were appointed to investigate the charge of malversation and mismanagement, brought against General Fu-chi by Adjutant-General Chin-po-lé-to-érh-chi. As to the charge that last year, when Wu-chéng was captured by the bandits, Fu-chi found means to save his life and afterwards lived among the insurgents, the Commissioners have failed to find any positive evidence of his having done so. They find, however, that there is a report of his having supplied the bandits with money from the government exchequer, though there is no real proof of this either. The Mongols he is accused of having wrongfully killed, were scoundrels who availed themselves of the general disorder to rob and plunder; his conduct therefore, in this respect, is not wholly without excuse. They find also that he had given orders to the Mongol bands throughout the troubled districts to guard all the barriers. On the other hand it is undoubtedly true that the Nge-yin-to men did in large numbers carry off the people's cattle, and that on account of the fall of Wu-chéng shortly afterwards he was not able to punish these men. The charge of having ordered the Cha-ha'érh cavalry to return to their several cantonments, is not substantiated; he merely sent them temporarily to Sai-érh-

wu-pu to wait orders, the bandits having fled to some distant place.

This is the substance of the Commissioners' report. Now although the charges brought against Fu-chi are not fully substantiated, yet he has by his incapacity betrayed the high trust reposed in him. Having already been degraded, he is now deprived of office, as a warning to others.

For his accuser Chin-po-lé-to-érh, who was his second in command, and should have co-operated with him, now when affairs are all topsy-turvy, to come forward and throw all the blame on his superior officer, is shabby and unfair. Then, too, having got Fu-chi, Kuei-chang and Yung-chuen to recommend him for the vacant generalship he has made off for the pastures, which is an extremely deceitful and tricky piece of business on his part. He is therefore re-called and is handed over to the Colonial Office to be examined and dealt with.

The count in the indictment against Fu-chi, charging one of the cavalry called Chang-an-tsz with having demanded sheep from the people, must be investigated by the Commissioners, and a report forwarded to the Throne.

Chien-hi is made adjutant instead of Chin-po-lé-to-érh-chi, and Chin-shun, general in place of Fu-chi. The latter will proceed to his post at once, without waiting for an audience. Meanwhile Keui-chang will take charge.

15th.—(1) The Prefect of Shun-tien—the prefecture in which the capital is situated—reports a fall of five inches of rain.

(2) Jui-lin, viceroy of the two Kuang, represents the devotion of the gentry and people in ten districts to the Imperial cause, during the Taiping rebellion. They organised volunteer and militia corps to co-operate with the imperial soldiers, subscribed money for their support, acted as guards in various cities, and served in the ranks in several successful engagements with the rebels. Through the support they rendered the local officials, city after city was retaken, several rebel chiefs captured, countless numbers of the rebels slain, and the enemy ultimately driven from all his posts. Their patriotism and loyalty were indeed illustrious. The viceroy, therefore, prays that two additional sūtsaiships annually, may be granted to each of these ten districts. Such a privilege has already been bestowed on some districts.

The petition is recorded.

16th.—(1) The Prince of Tén and others, return thanks for an Imperial present of pongs and satin.

(2) An Edict is issued appointing 18th June as a day of thanksgiving for the copious fall of rain which had been granted in answer to Imperial prayer. The Emperor will proceed in person to worship at the Ta-kaotien. The Princes have their respective places of worship assigned, and are ordered to prepare themselves for the occasion by fasting, and by passing the preceding night in the temple where they are to worship. Thus it is hoped Heaven will be pleased still to grant rain at the proper seasons.

(3) Tsao-pao of the Censorate and his colleagues report that a native of Yen-shan in the province of Chihli, named Han-chia-tien, complains that his wife was murdered by robbers one evening during his absence at a neighbouring village on business, and that the constables sent to catch them, having been bribed, allowed the head of the gang to escape, and that two of the accomplices who had been apprehended, and who had confessed to the murder before the district magistrate, have been set at liberty by one of their relatives, a clerk in the district yamén. At the inquest held on the body of the deceased, it was found that she had died from wounds inflicted on the head by some iron implement. Complainant has repeatedly brought his case before the district magistrate, but has not obtained a hearing. He has also appealed

to the prefect three times and to the provincial judge twice, without success. The memorialists pray, that orders may be given for a careful investigation of the case. "Recorded."

(4) Kuo-po-yin, lieutenant-governor of Hupeh, and Wu-tang, viceroy of Szechuen, ask that the rule forbidding any one to hold high office in his native province, may be put in force. Where two provinces are under the control of one viceroy, he can appoint the natives of one province to serve in the other. Where, as in the case of Szechuen, the viceroy only rules one province, arrangements should be made to exchange officials with a neighbouring province. They ask that four officers—one adjutant and three majors—now holding office in their native province of Szechuen, may exchange places with four of equal rank in Hunan and Hupeh.

The Board of War is ordered to report.

17th.—(1) The Peking Prefect reports a fall of more than five inches of rain.

(2) To-morrow morning the Emperor will pass through the Hua-yuan and Shén-wu gates on his way to the Ta-kaotien to worship. His Majesty will return by the same road. Everything must be in readiness by six A.M.

(3) An edict is issued in consequence of a report by the Imperial Court—the Court which exercises jurisdiction over the members of the Imperial family—stating that the criminals charged with having attacked and beaten to death a certain official, had deposited in Court that they were instigated to the deed by one of the Imperial Princes. The Court had obtained the evidence of the Prince himself and enclosed it with the memorial, and begs for further instructions. The case now stands thus:—The chief criminal Yü-chow, a degraded imperial guard of the third grade, deposes that the attack on the murdered official Fuh-sün was made by the express orders of his master, the Prince of Cheng. The Court having ordered the Prince to reply seriatim to the charge brought against him, he appeared in person before the Court twice and controverted the statement of Yü-chow, but the latter firmly adheres to his former evidence, refusing to withdraw any part of it.

In so grave a matter as this, where a prince of the blood is charged with having instigated an attack ending in murder, the utmost efforts must be made to sift the case to the very bottom. The Imperial Court is therefore directed to order Cheng-chih, the Prince of Cheng, to appear before the Court to be examined face to face with the other parties concerned; and farther, the Grand Council is directed to assist the Imperial Court in the examination—which must be severely minute and carried on by torture. When the trial is concluded, a report must be made to the Throne.

(4) Yang-chang-sün, lieutenant-governor of Chekiang, reports having made a tour of inspection along the sea coast. When he arrived at Ningpo, it fortunately happened that the general of Ting-hai and the acting general of Kuang-yen, were both there, and in company with these officers and the Taotai of Ningpo, he proceeded to Chao-pao, in the district of Chen-hai, and thoroughly inspected the whole country. This being the seaport of the Chekiang province, is, in a military point of view, a place of great importance. The old forts on either side of the harbour are in ruins, and the guns rusty and useless. The expense of restoring these forts would be enormous, while from the nature of the country they would not be of much service in case of need, being exposed on every side to the enemy's fire. It will be better, when sufficient funds have been raised, to restore the fortifications of some of the adjacent districts. The city of Wei-yuan on the top of the Chao-pao island (or mountain) is admirably situated for a fortress. It commands the entire sea. The walls of this city, however, are in a very

* Tien is the name given to a tribe living on the West of Yunnan, and also to Yunnan itself.

Fah means "hair," and probably the Taipings are intended.

dilapidated condition. The Ningpo Tactai is making strenuous efforts to repair them. The barracks within the walls were put in order last year, and there is a garrison stationed there. Ting-hai, standing out all alone in the sea, possesses no very great natural defences. The lieutenant-governor, on account of the boisterousness of the weather, could not visit the island as he had intended. The walls of Ting-hai are also in ruins, and it is estimated it will require over 14,000 taels to repair them. Of this sum, a Ningpo man named Chu-ying, has already subscribed 5,000,000 copper cash, which has been handed over to the city authorities. The sub-prefect is endeavouring to raise what is still required, by subscription. When the repairs are completed, the Throne will be memorialized to bestow honours on the donors. The lieutenant-governor directed that the repairs should be pushed forward with all possible speed, and that the work should be of a substantial character. After the murder of Chen-shas, acting general of the Huang-yen garrison, by pirates last year, the naval officer put forth such extraordinary exertions, that over 20 of them were caught, and subsequently San-kuo-kou, the head of the gang, was also taken, all of whom were beheaded, since which nothing has been heard of pirates along the coast. The war junks are all substantially built, well adapted for their work and completely equipped with superior arms, cannon, flags and military weapons generally. The crews also are fine strong fellows. On returning to Ningpo the lieutenant-governor reviewed the foreign-drilled troops, and also six divisions of the Ti-tuh's troops, and was much pleased with the regularity with which they marched, and the skill they displayed in handling their weapons. The soldiers have greatly improved under the Ti-tuh's command, and have altogether a more martial appearance. It is under consultation to supply these troops with foreign arms, which will add greatly to their efficiency. Ningpo, though a treaty port, and crowded with merchants, enjoys perfect tranquility. The lieutenant-governor returned to Hangchow on the 13th May, his tour of inspection having occupied twelve days.

Law Reports.

H. B. M.'s SUPREME COURT.

July 17, 1871.

In Admiralty.

Before C. W. GOODWIN, Esq., Acting Chief Judge, Commander RISING H. M. S. Midge, and Captain GIBSON Weymouth, present by invitation Assessors.

KO-WHAT and others, Owners of the junk *Sing-yung-tai*, v. the Master and Owners of the S. S. *Norna*.

Cause of damages—sum Tls. 12,000.

Counsel for Plaintiffs, Mr. A. Robinson.

Counsel for Defendants, Mr. R. W. M. Bird.

Mr. ROBINSON first desired to remedy an inaccuracy in the petition, which had occurred through his own fault. The petition set forth in paragraphs 1 and 5 that there had been 12 hands altogether and 11 passengers, but there had been also a supercargo, and consequently a total of 24 in the junk, which accounted for one man drowned. Paragraph 5th stated that 23 persons were on board the junk, and that the *Norna* took off 22. These figures should have been 24 and 23.

Mr. BIRD objected to such an amendment, because as it was he would be able to show that the petition stated one thing while the evidence proved another, which would go to shake the testimony for the alleged statement that a man was drowned. If the petition stated that 23 men were on board the junk, and it was proved that 23 men were taken on board the steamer, it

would be very material for his case that this should appear on the record.

After some discussion,

His LORDSHIP agreed to make a note of Mr. Robinson's statement, that this misstatement occurred through his individual error.

Mr. ROBINSON then proceeded to open his case. He did not think it would be necessary to read the pleadings. It would save time if he described, as shortly as he could, the nature of the suit and the voyage it arose in. The suit was one by the owners of a large Chinese junk, to recover damages from the steamer *Norna* which ran into her on the morning of the 15th May, 1871, and sunk her, with her cargo. The junk was a large one, of about 3,000 piculs burden, and loaded with a cargo of oil, pease in bulk, and packages of vermicelli, in short a general Chinese cargo. She was coming from Kaotchow, on the eastern coast of Shantung, and was bound to Foochow. Her crew consisted of 12 men and a supercargo, and 11 persons whom the Chinamen called passengers, but it seemed to be the custom in China that poor persons should work their passage, so that the junk had abundance of hands. The junk started from Kaotchow on the 8th of May, and everything proceeded well until the night of the 14th or morning of the 15th. At that time she got to a place in the eastern archipelago, about 12 or 14 miles to the southward of Video. The wind was from the south-west. It was difficult, it must be remembered, in dealing with Chinese witnesses to be as accurate in these particulars as with other witnesses. The defendants stated that the wind was southerly, but if so, the junk could not have been going the course she was sailing. The tide was very slack. The night, according to plaintiffs' statement, was clear; it had been dark about two or three hours previously, but at the time of the collision was clear, and the stars visible. The defendants stated in their answer that the night was dark and cloudy, and the atmosphere hazy. The junk carried a light, and as this was one of the great facts of his case, he had procured an exact facsimile of the lantern carried by her, which was hoisted to the mast by a small boom run up by hal-yards. That this was hoisted conformed with the statement of defendants themselves, who stated that, shortly before the collision, they did see a light run up. Now when the *Norna* was first seen by the junk, she was about three miles off, bearing in a northerly direction. The only light they could perceive at the time was a white one, and, being a good way off, they had no power to alarm her. As the *Norna* neared them, a green light came into use, and the master of the junk, an old and experienced man, apprehending danger from the moment he saw it, caused paper to be burnt, in Chinese fashion, fore and aft on the port side, the side the steamer was approaching; and as the steamer came nearer, the crew of the junk shouted, in Chinese of course, telling her to pass astern. The allegation of the natives is, that no notice was taken of this, and that the people must have been asleep, or at any rate not looking out. He would ask the Court to bear in mind that the steamer had overtaken the junk. That was an important matter in connection with what his clients did when the collision threatened. If the Court would turn to the answer of the defendants, it would find out what they were doing at the same time. After having mentioned the state of the weather at 1.40 A.M. of the 15th, the third paragraph of the answer said:—"That shortly afterwards, the night being dark, the said David Burgess believed he saw something indistinct ahead; at the same time the look-out man in the bows struck once on a gong, (which was kept in the bows for the purpose of signalling,) to signify that there was something on the starboard bow. The said David Burgess immediately ordered the engines to slow

and blew the whistle, and ordered the helm to be put to port, "hard-a-port," which orders were promptly obeyed. The whistle was blown a second time, when a small light was seen to be hoisted, and the object was discovered to be a three-masted junk standing right across the bows of the said steamship and steering a south-easterly course." If there was time to do all the things described here, one of two consequences followed; either there was abundant time to avoid the collision, or, if these things were done immediately before it, that the answer did not candidly convey the impression that they were done one after the other and that there was time for the junk to do anything. Everything was simply done for mere excuse afterwards. No. 17 of the Regulations for preventing collisions at sea stated distinctly that any vessel overtaking any other vessel shall keep out of the way of such last mentioned vessel. The learned Counsel took it to be plain, and in accordance with common sense, that if a vessel finds another in the way it is her duty to wait on her. These appeared to him to be the main facts, upon which the whole case would turn. What occurred after the collision was not very material, but he believed even there the evidence would not quite agree with what the defendants said they did. Substantially, however, the crew were received on board the steamer and put on board a junk belonging to the same owners which they fortunately met, and which took them to Foochow. The men got, from the *Norna*, different sums—\$10, \$5, and the larger portion \$2 each—to find them in food on the junk. The Court had now all the facts as far as he was acquainted with them. With regard to the law, he would only make a few preliminary observations. There were obviously several alternatives; the first was that the *Norna* was solely to blame, that was his contention, but in order to support it he would not adduce any arguments at that time, because the whole of the evidence he would bring would go to show that it was the only alternative. The second alternative was that the junk was solely to blame, which under the circumstances stated in the pleadings was simply impossible. A vessel bearing down is bound to go out of the way, especially if the hinder vessel is a steamer and the other a junk. The third alternative was that both were to blame, on which he would address some observations to the Court later on, but the consequence of both being to blame would be that the loss would be borne equally between both vessels. For that dictum he adduced the case of the *Woodruff Sims*, 2 Dodson, 85, and the *Swearland* 2 Spinks 113.

Mr. BIRD did not contest the principle.

Mr. ROBINSON proceeded—The fourth alternative was that the collision was the result of inevitable accident, and in such a case the suit would be dismissed without costs to either party. The authority on that point was the *Itinerant* in 2 William Robinson, 244.

Mr. BIRD did not contest this principle either.

Mr. ROBINSON, for the definition of "inevitable accident" referred the Court to the case of the *Loch Lido* 3 William Robinson, 318, the moral of which was that if any blame attached to either of the vessels the collision was not one by inevitable accident. As to the degree of vigilance which would justify the finding of inevitable accident, he referred to the *Millona* case, 3 William Robinson, 13, where the captain had gone down to consult the chart and did not place an officer on the lookout, and where it was held that this was blameable even though the night was so dark that a man on the lookout could not have been of any use. The principle was that it mattered not what the effect of the vigilance may be—in order to justify the finding that a collision was an inevitable accident, the greatest amount of

vigilance humanly possible must have been employed. He turned now to the third alternative, in which, in reality, he imagined his friend would place his defence, namely, that both vessels were to blame. Well, the only possible blame that could attach to the junk, or rather which his friend could invent on the part of the junk, was that she did not show her position. The evidence he would bring would show what she did. It would show that she carried a lantern and burnt paper according to Chinese custom fore and aft; and assuming for the sake of argument, that she did neither of those things, he asked the Court to remember that this was a Chinese vessel, sailing in Chinese waters, a clumsy thing, manned by people not very ready for emergencies, but he submitted that foreign vessels were bound to make every allowance, and he asked if it was reasonable to hold that, if foreigners chose to introduce vessels of great size and power into these waters, they should not be required to take every precaution not to expose the natives to danger they would otherwise have been free from. Too much stress could not be laid upon this, for the guidance of masters of foreign steamers in these waters. If people visited foreign waters they must hold themselves subject to the laws and customs of the waters in which they navigated. He cited in support the case of the *Zollverein*, Schwabe, 99, a case of a collision between an English and Prussian brig. The Court should bear in mind that the rules by which vessels in foreign waters were guided were agreed to between Her Majesty and other Sovereigns, but that the Emperor of China was not one of these, so that here they could only be guided by general maritime law. The authority he quoted said the case should be decided by the rule of nations navigating the seas in which the collision took place. That should influence the Court, in viewing the conduct of Chinese vessels when coming in the way of foreign vessels and particularly steamers. But even in the case of a Chinese vessel meeting a foreign vessel, the greatest allowance must be made for the habits of the people and for their ignorance of the rules which governed foreign vessels. The junk was here on her course and not bound to move from or alter it, so far as he was aware; and it was, he imagined, impossible to find any excuse whatever for the other vessel overtaking and running into her. Rule 17 appeared to him to recognise that principle. Therefore it was perfectly plain that the onus of proving that the junk did anything whatever to contribute to the collision lay entirely upon the *Norna*. Defendants had to prove that; it was not for him to defend it. It appeared the *Norna's* whistle was blown the second time they saw the light hoisted, but that notwithstanding this they could not check the steamer in time. What was the inference? Was it not that the lookout was so bad that though they saw the lantern they did so late they could not prevent themselves running into the junk, with that light touch described in the answer, which resulted in the sinking of the junk in half an hour. There was another great fault in the pleadings on behalf of the defendants. Where one vessel blamed another it was the duty of the party to state what blame was imputed to the other ship, to show in what manner the result of her bad conduct might have been avoided. He cited the case of the *Ebenzer*, 2 William Robinson, 209, to show that the answer of the party ought to contain all the grounds of his defence and any blame he thinks imputable to the other. Another case was the *Virgil* reported in the same volume. The answer in the latter case very much resembled that for the *Norna*; it simply alleged that the night was dark and hazy, and that a good lookout was kept on deck. Practically speaking that was the answer for the *Norna*, whose answer did not say in what respect the junk was to

blame, what she could have done to avoid a collision—only said that she did nothing. In further comparison with the case of the *Virgil*, no averment was made as to the wind, to the course she was pursuing, or to the sails which were set. The omission to give these particulars put the *Virgil* in a great difficulty, and the Court held that all the essentials of the defence should have been set forth on the first pleadings, otherwise it was to the detriment and injustice of the other party, as they had no opportunity of meeting these allegations. It was a very grave omission here on the part of defendants, and if it proved material must be assumed against the *Norna*. They had not even stated what was the distance of the *Norna* when the junk was first seen.

Mr. Bird explained that when the answer was sent in the owners of the *Norna* had been much pressed for time, and the pleadings were drawn very hurriedly. The omission of the distance while the bearings were given, was simply a clerical omission.

Mr. Robinson said this happened to be one of the most material things in the case, and he could with better grace now than he could afterwards, object to any addition whatever; indeed he was, on the contrary, going to put it to the Court that the defendant must be bound by this preliminary answer. He quoted the *Fortagen* case, in Schwabe, 518. Nothing could have been easier than for those on board the *Norna* to have furnished all required information; she was three weeks in Hongkong; but apparently they had not instructed their counsel. It was their business to have answered this question. It would be very easy during the hearing to make out all sorts of statements to shift the bearing of the case.

His Lordship observed that it was an omission, not a statement.

Mr. Bird said it was simply an omission, not an inaccuracy. With reference to those on board the *Norna* not sending instructions, it was not contemplated that she should go into dock at Hongkong, and be thus detained, nor was there at that time any idea the case would have been brought on so soon as it had been through the adjournment of the Court for vacation. He could assure the Court it was a purely accidental error. He had had to draw the answer in a great hurry, partly to oblige his friend. It had been a source of inconvenience too that the vessel had been arrested on the eve of her departure from here.

Mr. Robinson said all other questions were answered but it, and he was at liberty to infer it was omitted for a purpose.

His Lordship said Mr. Bird gave an explanation of the circumstance, as Mr. Robinson had done for the error in the petition.

Mr. Bird said, exactly. The draft answer contained it; it was stated as three lengths.

Mr. Robinson contended that if there was any conclusion to the disadvantage of the *Norna* to be drawn from the omission it should be drawn. Those formalities were much insisted on, as he had shown, in such cases. These were now the facts, and the remarks he thought requisite to make upon the case at that time. In conclusion he hoped that the Assessors, in kindly assisting the Court with their advice, would also help it to arrive at the truth as to the precautions which should have been taken by the *Norna*. He now proceeded to call evidence.

SAN-TSEONG-TYE—I am sixty-one years old; have been at sea over 40 years; have been lowdah forty years, have been master of junk *Sing ying* for two years; have made six voyages in her. On her voyage from Kaotchow to Foochow had a cargo of oil, vermicelli, and white peas. There were thirteen sailors on board, and eleven passengers. We sailed from Kaotchow on the 19th day of 3rd moon; the collision occur-

red on the night of the 14th May, in the China sea in the vicinity of Chusan. I was on watch the night of the collision. I was the head lowdah of the junk. I kept watch at night. I remember the day of the collision. I came on deck two or three hours before sundown, and I stopped on deck the whole time, up to the collision. 11 men keep watch by day, and 11 at night, exclusive of lowdah and supercargo. Passengers are accustomed to work on board junks. It was a clear night at the time of the collision; plenty of stars were to be seen; could have seen a junk without a light between 5 and 6 li. My junk had three sails set at the time she was run down, a large one at the main, a smaller one at the fore and a small one at the mizen. The junk carried a light near the head of the mizen mast, which was put up at nearly dark. The lamp produced in Court is of the same kind as that on board the junk. It was the business of Hung-low to clean the lamp and put it in its proper place. Hung-low trimmed this lamp on the night of the collision. I saw him haul the lamp down for the purpose of trimming it at about the middle of the night. I knew that it was about that time by the burning of joss-stick. The collision took place about 2 hours after the joss-stick burned out. The lamp was above the sail on the mizen mast. A compass produced in Court is similar to those that were on board the junk. There were 4 on board; one was fixed on deck in front of the helmsman. Hang-hing was at the helm at the time of the collision; the wind was S.W., there was not sufficient wind to fill the sails; and the junk was sailing a little above $\frac{1}{2}$ a li an hour at the time of the collision. She was going very slowly. She was steering S. $\frac{1}{2}$ W. at the time of collision. The wind was shifting a little and I had to alter her course to it; and she was going between 1 and 2 li while one of the joss-sticks kept alight. When I first saw the *Norna*, I saw a white light; it was about 10 li distant; she was astern and the light was bearing N.E. I afterwards saw another light; the colour was green. When I saw the green light, the *Norna* was about three li off. I roused all hands up to burn paper; which we quickly did. The steamer struck the junk on the port side. I did not burn any paper; I saw others do so. The steamer took no notice of it. All hands shouted out as the steamer got near to the junk, and she struck us nearly at right angles. The steamer appeared to me to be going fast when she struck the junk. According to my experience the junk could not have got out of the way. The junk was immovable for want of wind. When the *Norna* ran into the junk, the sailors climbed on board the steamer; I do not know whether all got on board or not. I do not know whether anyone was drowned. At the time of the collision there were 24 men on board, and 23 were taken to Foochow in the steamer. Han-hoc was missing. I know his name because he told me and said he came from close to Amoy. The steamer backed astern from the junk, after the sailors got on board, about two ships length, and then sent a boat to the junk. There were none of the junk's men in the boat when it left the steamer, but when it returned to her it had some on board. The Captain told the lowdah that the junk was in good condition, and wanted the crew to go back; I went back on board the junk with 6 or 7 men. After I went on board, the boat went back to fetch more men. It brought back about 10 men; some stopped in the boat; those in the boat did not go into the junk because and others cried out to them that she was sinking. The steamer's boat went away; the men on board the junk got into our own boat: above 10 men got in. There were 15 men; I cannot say exactly how many. All the men in the steamer's boat and junk's sampan went on board the *Norna*. Soon after the junk's sampan left

the junk, the latter fell over, and when she did so her sail nearly swamped the sampan. When the steamer ran into the junk the bowsprit damaged the mainsail. We went in the steamer to the White Dogs when we saw a junk belonging to the same owners. We were put on board at our request; the Captain of the steamer giving the junkmen some money. He gave me \$5, and I saw him give \$2 to several of the junk's crew.

Cross-examined by Mr. BIRD.—The *Sing-yung-ta* was 2 years old. I cannot remember the names of the thirteen sailors. I do not write down the names of the sailors, that is done by the master of the junk. His name is Keang; he was on board the junk; he is partner in her, and keeps the accounts. He sometimes does the sailor work on board.—I can neither read nor write. I counted 11 passengers. I stood, or walked about on the quarterdeck the whole time. The lantern was mast headed. The hal-yards were made fast to the deck. It did not swing. If a junk had a lantern lit I could have seen it at a distance of about 10 li on the night of the collision. The stem of the steamer struck the junk. I cannot recollect the names of all who burned the paper. The name of one is Lowah; I cannot remember any other. I was standing on the quarter deck; Lowah was forward, close to the foremast. There were 5 or 6 others with him. I saw three torches burning. I had a gong on board, inside the cabin. The gong is generally used for religious purposes. I have never known gongs to be sounded at night, when a foreign vessel was near, to give warning. The steamer was 1 or 2 li distant, when the men on board the junk shouted out; and all hands were on deck, and remained on deck when the steamer struck her. I do not know how many men jumped on the steamer while she remained alongside the junk. The steamer was going very fast when she struck. I cannot say how many li an hour she was going. The distance between the junk's deck and water line I do not know; the distance from the deck to the rent made in the sail by the str.'s bowsprit is 4 or 5 Chinese feet. The steamer Captain asked us to go and look after our own junk.

Re-examined by Mr. ROBINSON.—The boat was only two years old; it was a new one. I first saw it at Foochow; it was in the water. It is Keang's business to keep the books. I came on deck before sundown on the night of the collision—about $\frac{1}{2}$ the length of a joss-stick burning. I sat down once between sundown and the time of the collision. I could see a junk with a light burning about 11 li on a night similar to the one of the collision. There were three lights burnt in the bow and four on the quarterdeck of the vessel. The light was caused by burning paper merely; it makes a blaze. I saw Hong-low burning paper. I remember the steamer's boat leaving the steamer. I saw it myself. There were none of the junk's men in the boat when it left the steamer. I saw the boat return; there were none of the crew of the junk in it. From sunset to sunrise 3 joss-sticks of 1 ft. (Chinese) and 2 in. of a fourth will burn.

HONG-CHE, cautioned, stated—I am 34 years old, and am a seaman. Was in charge of the cargo on the *Tsing-yung-ta* and have made six voyages in her as supercargo. Was in her as supercargo when the collision took place. The cargo consisted of oil, white and green peas and Chinese vermicelli. Remember the night of the collision, when I came on deck about midnight, as I observed by the joss-stick. I remained on deck until the collision, and know what took place. The lowdah called my attention to a white light, which when I first saw it was I think about 9 li off. I afterwards saw a green light, between 2 and 3 li off, and as soon as I saw it I also saw some men on board the junk burning

paper. I cannot tell how many were doing so. The night was clear; and I could see about two or three li. I saw, while I was on deck, that the junk had a light. I did not see anything done to it. I did not see it pulled down. I saw the lamp hanging up after midnight, both at the time of the collision and also for some time before. When the paper was burned I did not see the steamer do anything, but she came on and ran into the junk. When the steamer came close up to the junk all the crew on deck shouted. That was before the collision took place. The lamp exhibited was of the same kind as one shown me, but a little larger. The lampman is Hang-low. After the collision the crew of the junk clambered up into the steamer, which backed astern about three junks lengths. I saw the steamer's gig put off for the wreck, but there were none of the junk's crew went with it the first time. When it returned from the wreck it brought none of the crew.

Mr. BIRD admitted that the gig put off to the wreck and came back without any men, but on a second trip took some of the junk's crew back to her.

Witness continued—I went in the gig on the second trip she made to the junk, when there were more than ten men in the junk, before the gig got there, the steamer's gig had taken men on board the junk before I went. The lowdah was on board when I arrived. There were 10 men in the boat with me, some went on board the junk, the rest returned to the steamer. I got off the junk in the junk's sampan; there were more than 10 in the sampan. I do not know the exact number. In going from the junk, she, in falling over, nearly caused an accident to the sampan. There were 24 men on board the junk before the collision, and 23 men were taken on board the steamer. The interpreter on board the steamer told them that the junk was in a good condition, and wanted them to go back. We were put on board a junk at the White Dogs. I made an objection to go on board. I was offered at first \$4. I ultimately received \$10. I did not wish to leave the steamer, I wanted to recover my property. I saw others of the crew paid, but I did not see how much. I have a list of the crew. It is at Foochow. I know the names of some of the crew, Hang-hing, Hang-low, Tong-kiang, Qua-hong and Chan-seong. I do not remember the names of the others.

To Mr. BIRD—I did not see a red light. I saw the steamer's light on the port-quarter. I saw the lowdah on deck when I came up at midnight; he was walking about on the quarter-deck. I could have seen a junk with a light burning between 8 and 9 li on the night of the collision. It was a light night, there were many stars visible, there were no clouds, there was no moon. I saw several men on deck with the lowdah when I came from below, one or two of them on the quarter-deck. I do not know the name of any man on deck. The lamp was mast-headed and could not swing about. The junk was about 90 feet long, and could carry over 3,000 piculs. I do not know the number of men who went on board the steamer. I went on board the steamer. I saw other men climbing on board at the same time as myself. I got hold of something black, but cannot say what it was, I was in a great hurry at the time. I did not take \$4 because I wanted to get back my property. I was crying for sorrow at my loss. I took \$10, but did not think it enough. If I refused to take \$10, I should have been forced into the junk without any money. I did not receive any money for food. I had no food with me when I came on board, I got food on board. I spent the \$10 in sundries. I live at Shanghai. I have been on board the junk two years; she was new when I joined her, and was in the water when I first saw her. I cannot say whether she was newly built or not, but she looked new. The stem of the steamer struck the junk; the bowsprit

made a hole in the main-sail; the steamer struck the junk nearly at right angles. I saw more than two persons burning paper. I cannot give the name of any man that was burning paper. I was standing on the quarter-deck, the lowdah was close to me. I cannot write. I was in charge of the junk's business. I cannot read. There was another man who kept the accounts. I called the crew sometimes; it was not part of my business to call the names of the crew over. I cannot remember the names of more than five of the crew.

Cross-examined by Mr. ROBINSON.—The sky was clear and the stars were bright on the night of the collision. I saw a man at the helm, his name was Hang-ling. I never measured the length of the junk, I guessed it. The junk looked quite new when I joined her. I saw some one burning paper at the stern of the junk, it was burning over the side of the junk; and paper was being burned at the fore part of the junk, on the side that the steamer was approaching. I keep tally of the cargo. I do not know the names of all the crew. I have paid money to some of them. I did not keep any accounts; Tung-kiang kept them.

The Court adjourned at six o'clock.

July 15th.

HANG-LOW, cautioned, stated—I am 22 years of age, and have been a sailor seven years, two years of which were in the *Sing-yuen-ta*. On the night of the collision, I came on deck a little after midnight, a long time before it occurred. I was in charge of the lantern on board the junk on the night of the collision, and trimmed it as soon as I came on deck. The lamp was at the mizen-mast head when I took it down to trim it. I took it into the cabin, and, after trimming it, hoisted it up again. The lamp used was similar to the one now produced. I remained on deck until the time of the collision, and the lamp remained hoisted until the same time, burning brightly. When I came on deck the night was clear, with plenty of stars visible. I remember the *Norna* coming in sight before the collision. The lowdah told me there was a light visible, and then I observed it, a good way off, but I cannot say how far. I afterwards saw a green light, which was not far off, but I cannot judge the distance. After the green light was seen, the lowdah told me to burn paper, which I did on the port bow. The paper was rolled into bundles and set alight. There were others burning paper also, on the quarter-deck. I only saw paper burnt in two places. When the steamer came near, all hands on board the junk shouted out; I shouted out. The steamer struck the junk on the port quarter. I was standing forward when the collision took place. After it I climbed on to the steamer. I went in the steamer's boat the second time it came to the junk. I went into the junk. Some of the men who went with me remained in the boat. I heard those on board the junk tell those in the boat that the junk was sinking. I went back on board the steamer in the junk's sampan, in which there were above 10 people. There were 24 people on board the junk at the time of the collision. I cannot remember the names of all the crew; among them were Hang-chey, Hang-hing, and the lowdah; I cannot remember the names of any of the others. I was taken in the steamer to the White Dogs, and was there put into a junk belonging to the same owners. I received \$2 from the steamer's captain.

To Mr. BIRD.—When I went into the cabin to trim the lamp, I remained there a very short time. I have two lamps to trim, one of them different to that produced in Court; it was made of tin-plate, and was a small one. The lamp was burning a long time before the steamer struck the junk. When the lowdah told me he saw a light, I was on the quarter-deck, and there was another man with me, whose name I do not know. I saw other men about the deck, about twelve altogether; some of the hands were asleep below, but before the steamer struck I saw some come up on deck. I cannot judge distances of vessels apart, at sea. I lighted the paper in the fore part of the vessel from a small iron oil lamp. I did not count the number of men on board the junk. I do not know the lowdah's name—I always addressed him as lowdah. I do not know how many torches were burning.

carried to its legitimate length, would put a stop to progress, in all science and trade. Those who insisted upon their nationals doing what was right under certain circumstances, and being bound by certain regulations were the people whom his friend would contend were to be condemned in a case of this sort, by a nation which had neglected to adopt regulations adopted by every civilized country. China claimed to be a civilized country, but at the same time neglected or refused to bind her nationals by regulations adopted by every civilized country. If his friend, however, sought to bind defendants by the Admiralty Regulations, he must show that plaintiffs had done everything fit, proper and reasonable under the circumstances, to prevent the collision. His friend had next taken an objection to the form of the answer—saying that it alleged no more than that the night was dark and that a good lookout was kept; and had cited cases to show that it was the practice at home for one vessel to charge the other with some specific act of negligence or misconduct. He (Mr. B.) admitted that to be the practice at home, but did his friend's petition, any more than his own answer, carry out that practice? Did he allege some specific act of misconduct by which his case must stand or fall? The rule in Admiralty he took to be quite clear, that each party's case must stand or fall *secundum allegata et probata*. And it had been held that where a party charged some particular act of misconduct against the other party, if he failed to prove it, no matter though he proved some other one, he failed in his case. Now his friend had not alleged in any way a specific act of misconduct on the part of the defendants. (Reads the 7th paragraph of the petition.) The learned counsel referred his lordship to the form of petition in causes of damage in Coote's Admiralty Practice, p. 228, art. 5. There it would be observed a specific charge was made against a screw steamer, to the effect that the damage and collision were consequent on her not keeping clear of the other vessel, a brig, by porting her helm. There was no statement of that nature made in the plaintiffs' petition, and yet his friend objected that defendants had not brought some specific charge against the junk. If this objection were to have any weight, it must have as much on the one side as on the other. No specific charge having been brought in the petition, it was not necessary for any to be brought in the answer. The learned counsel now proceeded to open for the defendants, and he thought the better course would be to make some comparison of the evidence adduced on the part of the plaintiffs, and that which would be brought for defendants. The evidence for plaintiffs was, that they were steering a southerly course and that the steamer overtook them; that there was little or no wind, and they were simply immovable; that the night was clear and the stars shining; that they had a lamp at their mast-head, burning brightly, that they could see the steamer's light three miles off, and yet that, very strangely, those on the steamer could not see their light; that they kept a good lookout, and that when the steamer came so near as to make collision imminent they burned paper and shouted unanimously to her to pass under their stern. If his lordship would compare the two preliminary acts he would see a great difference between the evidence for plaintiffs and what the defendants' story would be. Defendants stated, on the contrary, that so far from the junk steering the course alleged, she was steering a south-easterly course, and instead of the wind being southwest—that it was southerly, and that she could not therefore have been steering a southerly course. Defendants knew, from the direction of the wind that the junk was steering a south-easterly course. No junk could lie within five points of the wind, and the most she could have steered would be S. E. by S., if even so close as that. The evidence for the defence would show that, so far from the night being starry and clear, it was a very dark one, without a star visible—that the whole heavens were clouded over. That so far from the junk carrying a light at her mast-head she showed no light until the collision was unavoidable. That she only, and that at the last moment, hoisted a lamp, not such a one as had been shown in Court, but one of a very different sort, which, when first seen, was swinging loose, just above the sail,

and that nothing defendants could do would then have prevented the collision. That so far from paper being burnt and men's voices shouting, there was the silence of death upon the decks of the junk until and after the steamer struck her. That so far from defendants proceeding at a rapid pace, the evidence even for the plaintiffs showed the pace must have been very moderate, else the junk would have been cut in two. These would be the main discrepancies in the evidence, and it would be for his lordship to weigh the value of the evidence on the one hand and on the other, to weigh the credibility of statements made by Chinese, and on the other hand by men of experience, men who had been to sea for a long period—a captain who was in the employ of the P. & O. Co., and who must, therefore, have passed through a good and sufficient examination to hold the position he did, and other European witnesses,—it would be for his lordship to weigh all this. So far as the law was concerned, he thought it would be quite clear that plaintiffs, in order to recover full compensation must, in the first place, prove that the accident was not caused by any fault of theirs, and that the crew on board the native vessel were clear of wilful neglect and gross negligence. He supported this argument by quoting Pritchard's Admiralty Digest, second ed., p. 145, chapter regarding lights and fog signals, under the general maritime law, the law on which, he understood, his friend relied. The dictum was that there was no general obligation on a sailing vessel to show lights, though there might be exceptions to this rule. The case of the *Iron Duke*, 9 Jurist, p. 467, was also authority for the rule that under ordinary circumstances sailing vessels need not show a light, but that when there is a risk of collision and a steamer has to steer clear of a sailing vessel, the latter should, especially on a dark night, show her position by exhibiting a light. In the case of the *Olivia*, reported in the "Law Times," new series, 49S, a fishing lugger was held to be blameworthy for not exhibiting a light in due time. Then, as to the general question of the liability of one ship to another for damage caused by collision, he referred his lordship to the same volume of Pritchard's Digest, p. 147, where it was laid down that a party must make out that the party against whom he complains is in the wrong and that the loss is traceable to his misconduct;—*City of London*, Schwabe's Reports 24S, and *H. M.'s S. Sealow*, Schwabe, 31; the *Lido*, 2 Haggart's Reports, 246; and the —, 3 Notes of Cases, 340. Again, to recover full compensation, the party complaining must be prepared to prove, in the first place, that the accident was not caused by any fault of his, that those on the injured vessel were blameless and clear of wilful neglect and gross negligence. This merely referred to the *onus probandi*—that in order to establish a *prima facie* case the plaintiffs must prove that their conduct was free from wilful neglect. The learned counsel submitted, therefore, that if the proposition be sound law—that even according to the maritime law if it is the duty of the steamer to steer clear of the sailing vessel, the latter should give notice, in due time, of her position, and that want of evidence or proof of such notice having been given is evidence of wilful neglect or gross negligence. Now the evidence which defendants would adduce would show that, so far as the Admiralty Regulations were concerned, and so far as it was the practice and custom on board a steamship like the *Norna* to take precautions against collision, she did so. She was going at a reasonable speed—what a reasonable speed was would be for the decision of the Court, but he had little doubt it would hold that the speed was reasonable. There was then a good lookout—that is to say the officer of the watch was on the bridge and keeping a good lookout; a lookout man was in the bows, and had beside him a gong on which he could, by striking, signal to the officer of the watch any impediment, any object, he saw in front of the steamer. The evidence would show that it was the practice on board the *Norna* to strike the gong as follows:—once, something on the starboard bow; twice, right ahead; and three times, on the port bow. And the man did, by striking on the gong once, signal that there was something on the starboard bow—evidence that he was on the lookout. Then there was a quartermaster, on the quarterdeck, and they would also show that there were two men at the wheel, one

of whom, however, his time being up, left the vessel at Hongkong, and so could not be produced, but they had the evidence of the second. They would further show that, so soon as there was any risk of collision, the steamer slowed, that is to say the engines were put to dead slow so soon as the junk was seen; that the whistle was blown, and the officer of the watch ordered the helm to be put hard-a-port, which, he submitted, subject to the judgment of the Naval Assessors, would be the rule of the road when a steamer saw an obstacle in front. And though those on the steamer could not, at that time, distinguish the exact position of the junk, fortunately for them it was the right way, for it made the steamer pass under the junk's stern as she was proceeding from starboard to port. They would prove that the Regulation lights were up. He did not know what more they should prove, nor could he conceive that the steamer could be reasonably expected under the circumstances to have done more than she did. He had already referred his lordship to the Regulations for the avoidance of collisions; and as at this part of his argument it might fit in better, he would again refer his lordship to the necessity for a steamer to give way to a sailing ship, i.e. to pass under her stern, to slow her engines and, if necessary, to stop or reverse. He would prove that the engines were reversed but not at once, and the reason for not doing so would be explained, and it would be for his lordship to say, subject to the advice of the Assessors, whether the steamer had done wisely in not reversing at once. The reason was that the captain feared if he did so the junk might sink. It frequently happened, in cases of this nature, that while the ships were in contact the one upheld the other and where they drew off that one sunk. So long as the hole was filled the water was prevented from rushing in, and it was for that reason—and it would be for the Court to say whether the course was not a reasonable one—the steamer did not back at once. Before calling his witnesses, he would make one further observation—that his friend possessed an advantage over him in being able to cross-examine the material witnesses who would be adduced in their mother tongue, whereas he (Mr. B.) had had to cross-examine the Chinese witnesses through an interpreter. He would now call

WILLIAM EDWARD DUNDAS, sworn, stated—I am master of the British steamer *Norna*. I left Shanghai on the morning of the 14th of May, bound to Swatow. I had a pilot, who left in the afternoon of the same day, while we were between the light-vessel and Gutzlaff. I then decided to steer outside everything on account of the thickness of the weather. By thick I mean misty, and by outside everything the North Saddle and the Barren Islands, which would take me outside Video. On the night of the 14th, all went well; at midnight it was very dark and cloudy, in fact overcast. I then set the course South, 22 W., and cautioned the officer to keep a good lookout and to let me know if anything was seen—lights or ships or land, and to see that the lights were kept well trimmed. I went to my cabin and lay down, merely taking off my shoes. The sound of our steam whistle aroused me. I got up, put my feet into loose slippers, and ran on the bridge. When I got there I saw a junk right ahead of the ship. She was lying about right angles to us, her foresail on our port bow. I saw this the moment I got on the bridge, and I sung out "port, hard-a-port." I stopped the engines by turning on the telegraph which connects the bridge with the engine-room. As nearly as I can judge the stopping of the engines and striking of the junk was simultaneous. The junk had a small light, on the mast aft. I should think it was a Chinese lantern. The light was not such as might be cast by the lamp in Court, it was quite opaque, like a muffled lantern. The junk was on the starboard tack, and judging from the wind her course was S. E. by S. The wind was Southerly. I should say the strength of the wind when we stopped was about 2, as described in our log. It is difficult to judge by a steamer going through the water. From the size of the junk and the sails she had set, I should think she might, with that wind, have gone $1\frac{1}{2}$ to 2 knots. I waited for a few moments to see if there was much damage done, and finding the shock was so slight I

To Mr. ROBINSON.—There were more torches than one, but I cannot tell how many. On the night of the collision the lantern was first hoisted when it became dark. I put it up myself. I afterwards went to sleep, and came on deck again about midnight. I was keeping watch at the time of the collision. I did not count the number of people on deck. Hang-heng was at the helm.

HANG-HENG, cautioned, stated—I am 34 years of age, and I have been a sailor 15 years, one year and a half in this junk. I am one of the crew that left Kaoutchew in the junk on a voyage to Foochow, on board which I counted 24 men before the collision. I went to sleep after I had my chow-chow, soon after sundown, but returned on deck at midnight, when I took the helm, of which I had charge until the time of the collision. I was standing at the helm at that time. I cannot see to the right or left on account of the height of the bulwarks, but I can see forward. I cannot see astern. When I came on deck at midnight, I saw Hanglow bring the lamp out of the cabin, burning clearly, and saw it burning at the mast-head after I came on deck, and up to the time of the collision. I remember hearing the lowdah tell me there was a light, but I did not see it, nor did I see any steamer's light up to the time of the collision. I saw the collision. The steamer struck the junk at right angles. When I came on deck the night was clear, and stars were visible. There were three sails set. There was no wind, not enough to fill the sails. I had a compass before me when I was steering, similar to the one produced in Court. I did not know how many compasses there were on board. Shortly before the collision the junk's head was a little to the west of south.

To the COURT.—I always take the course from the lowdah, and never alter it without an order from him.

To Mr. ROBINSON.—On the night of the collision I could have seen a junk with a lantern about ten *li*, without a lantern and with all sails set about 2 or 3 *li*. I saw paper burned on board the junk on the night of the collision on the port-side, both in the middle and at the bow, a short time before it occurred. Those on board the junk shouted out before the steamer struck her. I climbed on board the steamer. I could not have avoided the collision by steering differently.

To the COURT.—If the lowdah had told me to alter the position of the vessel's head I could not have done so, as there was no wind.

To Mr. ROBINSON.—I went with the lowdah in the ship's gig the first time it went. I do not know whether the gig afterwards brought more of the junk's crew. I heard the lowdah tell the men in the gig not to come on board the junk as she was sinking, and I returned on board the steamer in the junk's sampan. I could save nothing, as water was coming into the cabin. As the junk's sampan was leaving she was nearly meeting with an accident owing to the falling over of the junk. I was taken to Foochow on board the steamer. There were twenty-three men taken to Foochow. I knew Hanghop on board the junk, who came from Tungwan, which he told me himself. I received \$2 when I left the steamer.

To Mr. BIRD.—I was very much frightened when the steamer came so close. I left the helm after the collision took place. If there is no wind it is impossible to keep a vessel's head steady. I heard no noise from the steamer, only on board the junk. The steamer came right on to the junk, and did not change her course. I did not see her until her jibboom was over the junk's deck, and went into the mainsail. I saved nothing. Some of the crew saved a small portion of clothing.

To Mr. ROBINSON.—I never heard the steamer's whistle. I cannot point out the exact spot where the jibboom went into the mainsail.

TUNG KIANG, cautioned, stated.—I am 40 years old, and I have been at sea 21 years and had been in the junk seven months, as assistant to the supercargo. I keep accounts of goods received and delivered. I can read and write. About midnight on the night of the collision the sky was clear, there was no moon, nor any wind. The sails were slack. The books produced are those used to make the entries of the cargo on board the junk. I wrote in those books. The small papers are receipts for money paid. I saw the collision. When I first saw the steamer she was a good distance off. I saw a white light, and as the steamer came nearer a green one. I saw paper

burned in two places on board the junk, but did not burn any myself. There was more than one torch. The steamer was some distance off when the paper was burnt. I was standing underneath the mainsail at the time of the collision. The steamer struck the junk on the port quarter, but I was so frightened when the collision took place that I cannot say whether the steamer's jibboom struck the mainsail or not. When the junk was struck I took the books handed into Court and got on board the steamer. I did not return on board the junk; I remained in the steamer's gig, because the men who were on board said there was plenty of water in the junk and that she was sinking. I returned on board the steamer in the gig. I have a written list of the crew—their names are Chen-hong, Poon-sing, See-jun, Hong-che, To-sing, Tong-kiang, Twa-hing, Ho-li, Hsien, Ta-yap, Seang-ke, Hang-low, Bay-hoi-kiung, Seung-tah, Drong-jin-hyang, Hang-hock-sing, Tai-sing, Chia-koh, Tua-toi, A-yong, Yock-sing, Hang-yock-sing, Yow-ko, Lah-ko, and Pin-tui. There were 23 men taken on board the steamer to Foochow, Hang-hock was missing.

To Mr. BIRD.—I came on deck at midnight to keep watch. I did not see any clouds. When the paper was burning on board the junk, the steamer was a distance off. I saved nothing in the shape of clothing. I saw some clothes on board the steamer belonging to our crew. I did not hear any noise from the steamer before we were struck. The steamer struck at right angles. I do not know the names of any who were burning paper. Before the collision there were about 10 men on deck. I saw the lamp at the masthead. I never saw this model of a junk before I came into Court.

To Mr. ROBINSON.—I saw the model the day before yesterday in the road. I never was in your house. At the time of the collision all hands on board the junk were shouting. The lamp was burning at the mizen mast head at the time of the collision. There were no clouds, and the stars were visible. I was standing on the quarterdeck at the time of the collision.

KO-WHAT, one of the plaintiffs, cautioned, stated.—I am one of the owners of the junk *Sing-yung-ta*, in partnership with Oye-hing and Hwa-ho. The junk has been our property for two years, having then been built from an old junk, and was exactly like a new one. I was at Foochow when another of my junks arrived with the men of the *Sing-yung-ta*, and took some steps before the British Consul, who informed me the steamer was not in his jurisdiction, and that I must apply to the Supreme Court.

To Mr. BIRD.—No parts of the old junk were used except the masts, and the Chinese registered pass which was incorporated in the new one. Otherwise it was all new.

This closed the case for the plaintiffs.

Mr. BIRD, before proceeding to open the case for the defendants, would wish to reply to some observations which fell from his friend in opening that for the plaintiff. The first observation was that the defendants' answer was not candid, in stating certain acts to have been done one after the other. He understood his friend's objection to be that the answer was not candid because it stated that these acts were done one after the other instead of that they were done simultaneously, or nearly so, such acts being those done by the officer of the watch on his perceiving something ahead; viz., his blowing the whistle, slowing the engines, and porting the helm. Inasmuch as one man only was on watch, and inasmuch as he could not do all these things at once, he (Mr. B.) submitted it was not reasonable he should, and that he would not have been right in stating that they were done simultaneously; and there therefore was nothing uncandid in his answer in saying that they were not done at once. His friend had then proceeded to complain how, according to his evidence, the steamer was overtaking the junk, and therefore, according to Admiralty rule, which his friend considered binding upon the defendants, it was their duty to have kept out of the way of the vessel they were overtaking, especially as she was a sailing ship. The evidence for the defence would go to prove that they were not overtaking the *Sing-yung-ta*, that when that vessel was observed she was crossing the steamer's bows from the starboard to the port side. It appeared to him that articles 15 and 16 would qualify the application of article 17 of the Admiralty Regulations.

According to the evidence to be adduced it would be shown that the steamer was not overtaking the junk, that the latter was crossing the bows of the former, and that so soon as those on the *Norna* perceived her, and there was the least risk of a collision, they did follow the rules which were laid down, by slackening speed, giving warning, and trying to get out of the way. It had been held by the High Court of Admiralty at home that the term "giving way" meant passing under the stern—that when a ship does this she is said to give way. It did not mean putting the helm to port or starboard. Now the evidence, when adduced, would show that if the *Norna's* helm had been put hard-a-starboard she would have had to cross the bows of the junk, but the helm was put hard-a-port, according to rule, to pass under her stern as she was crossing the *Norna's* bows from starboard to port. His friend had then proceeded to argue what seemed to him (Mr. B.) the most extraordinary proposition he could make, and which he understood to be somewhat to the following effect. That great allowance was to be made for the careless habits of the Chinese—the words were his friend's own, taken by him (Mr. B.) at the moment they were uttered.

Mr. ROBINSON denied having used the word careless.

Mr. BIRD had certainly understood his friend to say that the Chinese were a people of careless habits, and unacquainted with the rules of the road by which foreign vessels endeavoured to avoid collision, and that inasmuch as they were careless, and the junk was a cumbersome Chinese vessel, the Court should lean more in favour of the Chinese than the British vessel. In short, the argument of the plaintiffs' counsel amounted to this: that as the Chinese are not so ready as other foreign nations, and their habits are different, and they do not take so great care as others, and are navigating Chinese waters, the Court should make every allowance for them. Now, he submitted that whether it was or was not Chinese waters where the ships collided, the Court should look upon the collision as one occurring on the high seas, and that its taking place where it did was not more in favour of plaintiffs than if it had happened on the high seas. Plaintiffs must show that there was no neglect on their part to cause a collision, it was no excuse that they were less skilful or prompt.

HIS LORDSHIP thought that foreign vessels regularly navigating the coast, who knew something of the nature of the craft used here and their management, were bound to make every allowance for them.

Mr. BIRD thought such a rule would lead to great injustice. It would amount to this, that those who take greater care and are more prompt and ready, must be regarded more unfavourably by the Court than those who were less so. His friend had adduced, in support of his case, that of the *Zollverein*, but it did not amount to more than this, that a foreign vessel is not bound by the statute law of England; and he did not contend that the Chinese were bound, as had been contended in the *Zollverein* case, by the statute law of England, but that they were bound by the general principles of maritime law. But his friend had also argued that although the Chinese are not bound except by the general principles of maritime law, the British vessel was strictly bound by the principles of the Admiralty Regulations. The argument, however, was not a just one here. In cases of vessels that are subject to the flags of nations which had made regulations for the prevention of collisions at sea the difference is fairly tried by the regulations by which they had agreed to be bound; but here, the Chinese had not bound themselves by these regulations, and sought to take advantage of the defendants being so bound, to place them in a worse position than if the question were tried by maritime law. His friend's arguments for the Chinese approached very nearly to what their own Government urged for them, that they are ignorant and careless, and that conditions must not be imposed upon them. That might be very well as between Government and Government, but not so between private individuals; and if the Chinese were to be held justified in neglecting precautions which would be taken by other maritime nations, notwithstanding that steamers had been navigating these waters for some time past, such holding would lead to great hardship. His friend's argument, if

turned astern. We backed our own length about 267 feet. The ship's perpendicular length is 240 feet. I ordered the jollyboat to be lowered, which was done, and four Chinese and the chief officer went in it alongside the junk. I told them not to go aboard, but to see what damage was done. The chief officer returned in a few minutes and reported a large hole in the junk's side and that the water was washing in and out. I saw about 15 or 16 of the junk's crew come on board the steamer on the fore-castle. After the chief officer returned I sent the carpenter, a Chinese, in the jollyboat, with four of my own boat's crew and several of the junkmen who expressed a wish to go on board her. The boat returned with more men than when she went. I did not send the boat a third time and I know she did not go a third time. The junk's sampan came alongside immediately after the jollyboat's return from the second trip, bringing about 12 men. There was no hurry and confusion at the time of nor after the collision. I enquired before we proceeded on our voyage and was told all the junk's crew were on board. I asked our supercargo, who asked the people of the junk in my presence, and appeared to receive an answer, which he communicated to me by saying that they were all on board. Before we left I saw the junk turn over on her side, the starboard side I think, but it was dark and I cannot be sure. The junk's sampan came alongside immediately afterwards. When I was roused by the steamer's whistle and went on deck, I found the night to be at midnight, dark, cloudy and overcast, but without haze or mist on the water. I did not see a star. When I first saw the junk she could not have been more than half my ship's length from our bows. I did not see her until I got on the bridge. Immediately after we cleared the wreck I looked and saw that all our lights were burning. The second officer, Burgess, was on the starboard side of the bridge when I send up on the port side. If the junk had had a light like that in Court and it was properly trimmed I could have seen it a mile off. My cabin has windows all round, and the door is in the after part, on the port side. When I went on the bridge I saw a person forward on the fore-castle whom I could not distinguish, but took to be the lookout man. I was roused by the whistle, and heard no other sound except the second officer singing out "port, hard-a-port." If I had not heard him say that I would not perhaps have turned out, as I do not always turn out on the sounding of the whistle. I only heard the whistle once. When I turned in the vessel was going $7\frac{1}{2}$ by the log, but I had no time to notice it when I was roused. From my cabin door to the bridge is 80 feet, and it certainly did not take me more than 30 sec. to turn out and reach there. I have been at sea 20 years and hold a master's certificate—(produced). The bottom of the steamer was very foul and she required docking. In her then condition she would under the most favourable circumstances run 8 knots. She has since been docked, at Whampoa, and on last voyage up made 10½ knots. On the night of the collision she had no sail set. My supercargo told me the men desired to be put on board the junk off the White Dogs. They were supplied with money to pay for their chow-chow finding their way home.

To Mr. ROBINSON—The *Norna* is an iron ship. On the night of the collision there were on board three officers and myself. I retired at midnight, at which time the watch was set, consisting of, forward on the fore-castle a Malay, the second officer on the bridge, a Malay and a Chinese at the wheel, and a Malay looking out for the compass. That is the usual watch I set at night. The *Norna* would then go 8 and was going $7\frac{1}{2}$ knots, so was going nearly as fast as she could. I am shown the official log-book and the entry made regarding the collision, in the handwriting of Mr. Martin, the chief officer, made on the day it occurred, therefore everything was fresh in his mind. The night of the collision was darker than usual, I should say a very dark night. If standing on the fore-castle I think I could have seen a junk of the size of the *Sung-gang-ta* two or three ship's lengths. So could the lookout man if his eyes were good, and he has never told me that they are not. It would not be requisite to put additional men on the watch unless it was foggy. I might on a very dark night put on extra men if I thought necessary. The atmosphere was clear although it was

dark and cloudy. I got to the bridge in about 30 secs., not less, perhaps a little more. It would be a matter of calculation how far, going at $7\frac{1}{2}$ knots, my ship would move in 30 secs. It might be her own length, I can't say with certainty. I saw the junk's light was hanging to the mizenmast and thought it a Chinese paper or isinglass lantern. I believe they sometimes burn candles and sometimes oil in these, but cannot tell which it was in this case. I reckoned the breeze at a force of 2, with which the junk might go at $1\frac{1}{2}$ to 2 knots. Two knots would be nearly 3 miles; I am not prepared to say the exact difference just now. I don't know if the Malay in the bows understood Chinese nautical terms. We don't require that he should. I think the wind was about 2 from the way the junk drifted off after the collision. Our stem remained in her till we turned astern, and it was after this she sailed away, towards the southeast. That was partly my data for the force of the wind. I moved the steamer after the junk. There is no statement about that in the log. It says, as soon as the ship was clear of the wreck a boat was sent to assist the crew. That is true. I gave the chief officer orders to see what damage was done but not to go on board, but I considered the one object embraced the other, of seeing to the safety of the crew. The shock was so slight that the chief engineer, sleeping forward, was not aroused. The third engineer, H. J. Binnen, was in charge of the engines. The chief officer reported to me a large hole. I did not, through my supercargo, tell the Chinese to go back, that they could save the junk. I did not persuade them. 5 or 6 Chinamen went in the jollyboat, but I don't know whether they went on board the junk. I think 5 or 6 went off and that some came back, I do not know how many. That was the only occasion on which any men were brought from the junk. After the collision I think I saw 15 men on the fore-castle who had climbed up from the junk. Some of the men therefore, I suppose, I cannot say positively, did not leave my ship. I do not know that the men who came up the gangway from the junk's sampan were counted.

To Commander RISING.—The steamer went off a little to port, was going off to port when I got on the bridge.

To Mr. ROBINSON.—Between my getting on the bridge and the collision the time was under a minute. I cannot say if the *Norna* answered half-a-point when the helm was ported. I had no opportunity of seeing how she was heading, the compass on the bridge being in a house. As the cargo might shift and so counterbalance the weight of water, I cannot form an opinion on what side the junk fell over. I don't know how much money was given to the junkmen, it was done by the supercargo, a brother of the registered owner of the *Norna*. I showed my log to the Consul at Swatow. I did not enter or extend any protest either at Swatow or here. I showed the Consul my log and wrote him a letter. I am shown a copy of the letter. It is there said, as well as in the log, that the collision occurred at 1.30 p.m. That was about the time, though I won't say it was the exact time. There is a clock on board and I might have sent to get the time. It is usual to take it. The engines stopped almost simultaneously with the collision. I wrote in my letter, I backed astern, clear of the wreck, and sent the chief officer off in a boat to go on board and see what damage was done, and in a few minutes he returned and reported her sinking. Notwithstanding this I gave the Chinamen leave to go on board the junk, at their own request. In that letter I said the *Norna* was only going $6\frac{1}{2}$ knots previous to the collision, and I said there also that the junk sunk before we left her, or about half-an-hour after we had struck her. A few hours after, I heard through the chief officer, who I suppose heard it through the supercargo, that one man was missing. I said in my letter that some few hours after, the junkmen on board said one man was missing but that it was too late to go back, as the junk had sunk before we left her. I never did, and no one with my orders did, tell the junkmen that their junk was safe.

To Mr. BIRD.—I judged the force of the wind by its passing our vessel when we were stopped, as well as by the way the junk went. The chief officer informed me of the man being missing next morning, after daylight. That was the first time I was informed.

The Court then adjourned at 5.45 p.m.

July 17th.

The Court resumed this morning at 10 a.m. HUGH MARTIN, sworn, stated—I am 1st officer of the *Norna*. On the evening of the 14th, I came on watch from 4 in the afternoon till 8. The day was cloudy with a pretty fresh breeze in the morning, but moderate towards evening. My cabin is on the port side forward. I turned in about 9.30 on the evening of the 14th, and slept badly. I was awoke by the 2nd officer singing out "port, hard a port," and the sound of the whistle. I heard the whistle a second time as I got up in bed, and went as I was on deck and towards the bridge. While doing so, the captain rushed past me, and I saw him about half way up the ladder. I ran forward, towards the fore-castle, and on getting there saw the junk's mainsail right ahead, by the reflection of our light. The steamer had not then struck, but I saw her bow enter the mainsail, abate the mainmast, and tear it along. That was the first thing I saw. I then felt a slight shock. When I got forward, several men came scrambling up, perhaps ten or a dozen—I did not count them. I did not hear any shouting nor see any paper being burnt. I saw on the mizen, about half way up, a paper lantern swinging about. I noticed it was a bad light, and decided it could not be a glass lantern. I went and got a globe lamp, which I lowered over the bows to see whether any damage was done to the steamer. I went next in the jollyboat, by the captain's orders, to see what damage was done to the junk. I went with her alongside the junk. My orders were not to go on board, but to come back and report. I saw we had struck her as near as possible amidships, 10 feet abate the mainmast. She had a kind of rail which was smashed in, as well as the covering board and the first plank, and some damage was perceptible below that, the second plank was only slightly bent in, but she was not quite cut down to the water's edge. She had a slight list to port, and as she rolled, the water washed into the hold. I would not describe the damage as being cut down to the water's edge. I took hold of the first plank and it came away in my hand. It was rotten. I went first along the port side, and used my bull's eye lamp to examine the hole, and then shone it up and down on the junk's deck fore and aft. I saw no one on board. I told one of my boat's crew to shout and see if any one was on board, but no answer was given. I told the crew to row round under her stern, and shone my light over her starboard side, where there was no damage. I returned to the port side and had a look again, then returned on board the ship and reported to the captain the junk was in a sinking condition. I ordered the men of the junk aft, and asked through a native clerk in the service of our supercargo, named Aloy, whether they wanted to go to see the junk, offering them the use of our boat. They said they would like to go on board. I can't say how many went, about half-a-dozen. They went to the junk, returning after a little time with 5 or 6 additional men, and were immediately followed by the junk's sampan. The jollyboat made two journeys in all. I told the interpreter to ask if all were on board and the men looked round and said "all on board." I last saw the junk on our starboard quarter, when she fell over by the port side. I noticed the night was very dark and cloudy—no stars visible whatever. The wind was southerly—we had our yards braced up on the port side, and we were steering S. by 22 W. or S. by S. W. I observed that the steamer lights were burning. The junk was crossing our bows at right angles when I saw her, heading about S. E. I was first informed that anyone was missing, after daylight next morning. During my watch from 4 to 8 a.m., I again asked through an interpreter how many men there ought to be, and he gave me an answer. I mustered the men on the starboard side of the deck and counted 23. I counted 23 into the boat when I sent them off at the White Dogs.

To Mr. ROBINSON.—Between the first and second blowing of the whistle there was very little time, they came close after each other. When I got on the fore-castle, I think the mainsail of the junk was a fourth of the ship's length or rather less from us. It might be 20 to 30 sec. after I got on the fore-castle, before the collision occurred. After the collision, the *Norna* did not jam into the junk, did not stick in her, and there was nothing to prevent her sailing on. I can't say about the

backing of the engines, the captain attended to that. Four men went with me in the jollyboat. I don't think any of them are here. Exclusive of the Engineers there are the Captain and three officers, the only Europeans who work the ship. I think I saw 10 or 11 men climbing into the ship, and 5 or 6 of these afterwards went into the jollyboat. The boat brought back more; I suppose about 10 returned altogether in her. The junk's sampan appeared full, but was not crowded, perhaps 7 or 8 men besides baggage. No one answered when I told the man to shout. I presume there were a dozen men on the junk when the man shouted, but I did not see any of them. I did not see the men counted when I first asked if they were all there. The interpreter came to Shanghai with us, but is not at present on board, has been away five or six days.

Mr. BIRD thought the witness should be tested as to his estimate of 20 or 30 secs.

His LORDSHIP accordingly held a watch in his hand and, marking the time by striking his hand on the desk, asked the witness to follow it in his mind, and say "stop" when he thought he had got to 30 secs.

Witness said "stop" at 15 for 20 secs.

DAVID BURGESS, sworn, said—I am 2nd officer on board the *Norna*, and hold a certificate (produced). I came on watch at 12 till 4 on the night of the 14th and morning of the 15th. I was standing on the starboard side of the bridge. The night was dark and cloudy, I did not see any stars out. The steamer was going $\frac{3}{4}$ by the log, at 12 o'clock. From the time I came on watch until the collision occurred, I saw some one on watch on the forecastle. About 1.45 A. M. on the 15th (the last bell I heard being two bells) I saw something very indistinct on the starboard bow. I saw it with a glass, about two points on the starboard bow. About the same time the lookout man sounded the gong once. That meant that he also had seen something on the starboard bow. I immediately slowed the engines, sounded the whistle, and sung out "port, hard-a-port." I slowed the engines by the telegraph which connects from the starboard side of the bridge. The engines slowed immediately, and the ship obeyed her helm and went off. I whistled a second time, a very short time after the first. I did not see any light on board the junk before I whistled the first time, nor could I tell what the object I saw was. After the second whistle, I saw a light being hoisted up in a very careless manner. I could see it rising, and it appeared on the object which had attracted my attention. Then I saw there was a sail going athwart our bows on the starboard tack bound to the S. E. The junk was standing across the bow towards the port side of the steamer. When her light was hoisted I should think she was half our ship's length from us. I did not see any paper burned on the junk, nor hear any sound come from her. Not the shouting of men's voices, nor the beating of a gong nor the waving of torches. The Captain came on the bridge after I slowed the engines, getting on the bridge just as I blew the second whistle. He at once stopped the engines by the telegraph. The engines did stop. After I had seen the junk, she did not alter her course. The bowsprit of the steamer struck her mainsail about the middle, and made a hole. I did not examine the spot. The shock of the collision was light. When I shouted "port, hard-a-port" I heard an answer from the poop. What was said I do not know, but I also saw the red light exhibited, meaning that the order to port was heard. The wind was Southerly—a 2 to 2½ knot breeze. I cannot tell the force of the wind by a number, but would describe it as a moderate breeze. The captain gave me orders to go forward and see if any injury was done to the steamer. I was on the bridge when the order was given to go astern, which we did. I went forward and examined, and the captain also came forward. I went aft to see the jolly boat lowered, the chief officer being there also. He went with it, and the boat made three trips; that I am certain of.

To Mr. ROBINSON—The *Norna* is steered from aft. I have been a second officer 3 years, about four months on board the *Norna*, and have been in the same capacity on other steamers. The pilot left us in the afternoon; and the weather was then hazy, with a moderate breeze blowing. It was not thick nor clear, but a dark cloudy night when I went on watch. The captain came up at midnight, and said he was to be called, if anything were

in sight. I had no time to call him when the junk came in sight. I am positive there were no stars visible, nor any moon after the collision. If it were shining, I don't think I could have seen it through the clouds. I first saw the object with a glass, I think about three of our ship's length. I could not see that distance with my naked eye. About the same time I saw it, the man at the bows struck the gong, and about a minute after he did so the collision occurred. I slowed the engines the moment I saw this. I did not think it necessary to stop them. After I sounded the whistle, I gave the order "hard-a-port" and from that time up to the time of the collision, the helm of the steamer was hard-a-port. There was a moderate breeze and the junk was on the starboard tack, sailing across our bows.

To the Court—I judged of the wind after the ship stopped.

Cross-examination continued:—The shock to the *Norna* was very light, and she sustained no damage. I was not on board the junk, so cannot say whether the shock was light to her. The first time the Chief Officer went off in the jollyboat to inspect the damage, and came back and reported to the Captain. I did not hear him. (Shown the log)—there is no entry in the log that the Chief Officer went off to inspect the junk. The jollyboat came back with the Chief Officer. No Chinamen came back in it, the first time. I saw it go a second time. I am not certain whether the Chief Officer went. Some of the Chinamen belonging to the junk went off in it. It came back with them still on board. I cannot say what the jollyboat did upon its third trip. I saw the boat leave the steamer. The carpenter and the Chinese boatmen were on board. It went to the junk, I cannot say whether it had any other people on board. I did not see it come back; but I saw it alongside the steamer after its return. I cannot say whether there were any people on board besides the boat's crew.

In answer to Mr. ROBINSON, the Court said it did not consider the log in evidence.

Mr. BIRD would put it in if required by the Court, but had not done so because he did not consider it evidence for his case.

The Court wished that it might be put in.

To Mr. ROBINSON—I can't say how many lives, nor what effects, the jollyboat saved. She saved more than one life. She saved them on the second and third trips.

Re-examined by Mr. BIRD.—I did not consider it necessary to stop the engines, because I was not certain of the object. I thought, by putting my helm hard-a-port I could pass by it. I first perceived it was a junk, about half a length off—after the small light was hoisted.

To the Court.—The steamer answered to her helm, when I gave the order "hard a port." She went off about a point before she struck the junk.

HORATIO BINNES.—I am the third Engineer of the *Norna*. I was on duty on the night of the 14th. I came on duty at 12 o'clock. The engines were making 24 revolutions. That would give about 7 or 8 knots an hour. All went well till 1.45, when we slowed the engines, in obedience to an order by the telegraph. We slowed to between 14 and 15; that would give about 4½ knots. We were ordered to stop, a short time after we had slowed. We did stop. I can stop the engines in about 6 seconds. I felt a slight shock afterwards—a movement up and down. The next order was "go astern." I went astern for a short time, and then stopped. I then worked the engines as ordered. There were two firemen in the engine room, besides me.

To Mr. ROBINSON.—There is a clock in the engine room. That is how I know the time I received my order. I was told to stop soon after I slowed. I cannot say how long.

A-LEE, a Malay, cautioned to speak the truth.—I am a seaman on board the *Norna*. I remember the night of the collision. I was on the forecastle. I came on deck at 1.30 A. M. One man kept watch one hour and a half. I saw something dark in front. While I was walking towards the second officer, before I reported to him, the officer blew the whistle. I heard the whistle. I did not leave the forecastle. I was still standing on it. There is a gong on the forecastle. I beat it once. After I had heard the whistle, I saw a small spark, and I beat the gong. I heard the whistle a second time. This was about four minutes after it blew the first time. I don't know the dif-

ference between a second and a minute. I did not hear anybody call out on the steamer. I saw no other light on the dark object, except that small light I have spoken of. I did not hear men calling out from it. Not two minutes after I saw the light, the collision took place. [Asked as to what the dark object turned out to be, could not be got to say anything except that it was darkness.] I did see a junk when the collision took place. [Referred to the model, points out how the junk was heading when the collision took place, and where the steamer struck.]

To Mr. ROBINSON.—From the time I saw the light till the time of the collision, I did not move off the forecastle. It is my usual duty to be on watch at 1.30. There is no one else on watch with me. The wind was strong and not strong (moderate). It was dark, without a moon. It was not foggy. [Asked how far he could see; says he is only sailor, how could he understand?] I could not see the length of a ship.

To the Court.—I saw no stars.

AH-SIN, cautioned, stated—Remember the night of the collision, on which night I was at the helm. There were two men there, myself and a seacunny—a Malay steerer. There was an order given to port the helm, which was done. I could not see where the ship struck. Did not hear noise of men crying out nor see torches being waved. The night was dark, with clouds, but I could see two or three stars.

To Mr. ROBINSON—I was on the port side of the wheel. I did not see the junk before the collision.

To Commander RISING—The steamer's head was south-west.

To Mr. ROBINSON.—(Shown a Chinese compass). I don't understand a Chinese compass. The breeze was south and very slow.

To Mr. BIRD.—There are other compasses on board the ship in addition to that by which I steer. There are two, the other one is for another man to see. It is placed in the middle. I had my steering orders from the officer by word of mouth. I am No. 2 man at the wheel.

Mr. BIRD summed up for defendants. There was one thing very observable in the evidence given by Europeans and that given by Chinese witnesses. And he might remark that all the Chinese witnesses had not been produced by the plaintiffs, while, on the part of the defendants such witnesses as were Europeans and were material to the case had been produced, as well as such others as were material but not Europeans. He thought it his duty to touch upon the principle points of difference between Chinese and Europeans. The Chinese witnesses seemed to have no conception of distance, of time, nor of numbers, their evidence was especially vague on these things. Their idea of distance was anything but clear, and their idea of numbers seemed to consist in a general expression of "about ten," while, as to time, he believed it was impossible, in examining, to reach anything like minutes or seconds. Their ideas of time seemed to be based upon the burning of a joss-stick, which would of course burn more or less quickly according to the draught of wind it lay in. At any rate, it was a very rough method of calculating time; and so vague were they in these matters, it was almost impossible to ascertain them in cross-examination. He had had to labour under great difficulties, compared with his friend, who had been able to press European witnesses as to time especially, and even as to distance. These he could cross-examine and put their statements to mathematical tests, to yards or feet as to distance, and to seconds as to time, certainly to the minute. This was an advantage which he (Mr. B.) thought ought to weigh in his favour, inasmuch as, if the Court arrived at any clear idea of all the circumstances, it would be more from the evidence given by the defendants than from the evidence given by the plaintiffs. In order to save the time of the Court, he did not purpose to go through minutely the inconsistencies and discrepancies which occurred in the various statements made by the Chinese witnesses. One man said ten li where another might say five or six, while another again would say ten, meaning thereby fifteen. At any rate, he did not think it would be worth his while to go through a minute examination of the Chinese testimony, but there was one point he could not refrain from noticing. It must have been observed by the Court that, when a witness did not answer as his friend

expected, he explained away the difference as some misunderstanding on the part of the interpreter. But while making allowance for that, he (Mr. B.) might say that the evidence got from these witnesses was screwed out of them, and this was most observable in the case of the last one called by his friend. This man, on whose accuracy in keeping the accounts of the junk his friend had remarked at the time, as a test of his general accuracy—this man alleged, among other things, that he had never been within the office of the Counsel for the plaintiffs. He (Mr. B.) had asked him whether he had ever before seen the junk model exhibited in Court. The man's first answer was that he had not, and he again, when asked whether he had seen it before coming into Court, replied that he had not; but subsequently, upon pressure, stated that he had seen it in the road. After some pressure, on being asked if he knew Mr. Robinson's house, this witness first stated that he did not, then that he did; and, on being asked whether he had been inside, said he had only been to the door. The learned Counsel understood his friend to say that the man had been in. Now this statement of the witness was either a falsehood or a mistake; but whichever it was, it shewed how little could be trusted to Chinese testimony. If it were simply a mistake, and if a man could go and make such a mistake as that regarding a fact which occurred a few days back, how much more likely that he would do so with facts that occurred some weeks previously; but it might be that he, appearing as a witness for the plaintiff's, thought he had some interest in stating the fact as he did. Now this man had been called to corroborate, and did corroborate, in every particular, the evidence of the witnesses who preceded him; but they found that, while he deposed to the same facts, he was either guilty of a gross falsehood or a palpable mistake. It was true that he (Mr. B.) could not find out whether the other witnesses were similarly unreliable, but it seemed to him, and he put it to the Court, that if the evidence of this man, who was put forward as a better class of witness than the rest, was so unreliable as it appeared, the Court should not come to the conclusion that the evidence of the other witnesses was more so. The man said he came on deck at midnight, that he saw a light hoisted and also saw stars, and pointed out where he stood. The learned Counsel had asked him why he came on deck at all, and he replied that he was called upon watch. He might have been and he might not; it certainly seemed strange that a man like him should be called upon to keep watch while there were plenty of sailors on board. And this man, having been brought to corroborate the testimony of all the others, the learned Counsel did not think those others were upon a much better footing. In short, as was usually the case, the Chinamen had overdone their story. There might be a certain particle of truth running through it, but the greater portion, he feared, emanated from their own brains. It was so diametrically opposed to the evidence adduced by defendants; there had not been a single fact admitted by the Chinese; they simply asserted that the steamer deliberately ran them down. Now, in cases of this sort, where the evidence was directly opposed, one of the fairest tests to apply was that of probability. Which was the more probable? that a British steamer, with all her lights burning, should deliberately run down a junk with her light burning, with torches waving, and with men shouting; or that the Chinamen were asleep, at least the greater part of them, and that they did not see the steamer till she was close upon them, when they hoisted a small lantern. The defendants, on their part, had made admissions. They had stated, as nearly as their witnesses could judge, the distance the junk was off, and that she was without a light till she was close upon the steamer. They had not denied that the junk had a light, and the probabilities were in favour of the proposition that the Chinamen did not make known their position sufficiently early, but only hoisted a feeble lantern when the steamer was close upon them. If this were so, he feared his friend had to rely rather upon some probable fault on the part of the defendants, than upon his own evidence. But he (Mr. B.) did not think that any cross-examination to which his friend had subjected the witnesses for the defence had done anything to shake their testimony. These witnesses

were foreigners, and gave their evidence in a straightforward manner. His friend had put some of them to a crucial examination, and had not been able to shake them in any material point. There might be slight discrepancies in their story, one might say a thing occurred before another did, and another man might say that a less or greater interval elapsed. But these were merely questions of opinion and calculation, and where one witness said that about 20 seconds elapsed between the time he got on the fore-castle and the collision, this must be considered in connection with circumstances. When an accident was about to occur, it was not an easy thing for a man to remember with accuracy the time which elapsed; he could only say that he thought it was so and so; and in order to shew the first officer might be out in his calculation of time, he (Mr. B.) submitted that, with his Lordship's kind permission, this witness was put to a test, and had estimated that thirty seconds had passed when it was but fifteen; that was done when the witness's mind was bent upon calculating the time, and when a man in doing so would begin to count at intervals of a second, and would be more likely therefore to give the time accurately than in circumstances of danger and hurry. If his friend relied upon the statement of the first officer, he (Mr. B.) need scarcely say that it mattered not whether the witness was accurate or inaccurate in his statement of this fact. The answer in fact was a mere guess. He had already said why he feared his friend would be driven upon evidence which had been adduced for defendants, and would endeavour to shew some discrepancies there, rather than rely upon the entire blamelessness of those on board the junk. But he (Mr. B.) submitted that it was not sufficient for plaintiffs' claim to prove merely that the steamer was in fault in some particular, nor was it sufficient for his friend to rely upon circumstances or discrepancies occurring in the evidence for defendants; he must shew that his own story was proved or supported at any rate by credible evidence, and that it had credibility on its face. He (Mr. B.) submitted, on the other hand, that the story of the Chinamen was very far from being probable, that the defendants' was far more likely, and the evidence of Europeans in that Court ought to weigh rather than the evidence of Chinese. In order to recover compensation his friend must shew that the entire conduct of those on board the junk was free from wilful neglect or gross negligence, and, unless he did so, he was not entitled to any. The main point which he believed the Court would consider in the conduct of the Chinamen was whether they did or did not carry the light they alleged they did. His friend had produced in Court a lantern which the Chinese witnesses said was similar to, but smaller than the lamp carried on the junk. The witnesses for the defence said that the lantern was not a glass, but more like a paper or singlass lantern, and the question arose was the Court satisfied that such a lantern as that produced, or indeed any lantern before the collision occurred, was carried by the junk; was the Court satisfied of that by the evidence of the Chinamen, and, also, whether they waved torches, had their light up, and shouted? On the answer to these questions would depend greatly the decision of the Court. The learned counsel submitted that there was no evidence of such a lantern having been carried. The evidence of two Chinamen given on that one point had been shaken, and the evidence of the European witnesses leaned rather the other way. The officer of the watch said he saw no light until the junk was within a length of the steamer, and that then he saw a lantern being hoisted up. This witness was of course the only one besides the Malay who could depone that a light was or was not seen from the steamer. The Malay said he saw a dim light, but at the same time could not say what the object ahead was. He (Mr. B.) thought there was evidence in this case to shew that the Chinamen were wrong in saying they carried a light, and that they burnt paper and shouted; otherwise, as the steamer had a sufficient lookout, those signals must have been heard or seen. Then, further to shew the discrepancies, there was the fact that the Chinamen stated the night to be clear and starry, while the Europeans, and even the Malay, said that it was dark and cloudy, and only the Chinamen at the wheel said he saw two or three stars. If the Court believed the testimony

of the defence, the statement of the Chinese that the night was clear and starry would go further to shake their credibility. If the night was so clear and starry that they could see a junk of their own size five or six li, and with a light like that produced ten or eleven li, it of course threw additional blame on the steamer; but this was simply another point on which the Chinamen had overdone it. On the other hand, the evidence for the defence had fully borne out their own story. They had proved that the steamer was going at the rate of about $7\frac{1}{2}$ knots, that her lights were burning, that a man was on the lookout in the bows, and the officer of the watch on the bridge, that a quarter-master was on the deck and two men at the wheel; and he submitted that this was sufficient to maintain a good lookout. The evidence for the defence was consistent in this, that they kept a good lookout; while the officer on watch said that as soon as he saw the object he ordered the helm hard-a-port, blew the whistle, and slowed the engines, and there was evidence that these things were done. On the other hand, the Chinese said that they never heard the whistle blown, but if they were so close upon the steamer; how could they have helped hearing it? They said this, however, to shew how totally the defendants were in the wrong—further than might be. They said also that they had ten or eleven men on watch on deck in the dead of night! Further, the defendants had done all that was required by the Admiralty Regulations. As soon as they had any reason to believe that there was anything ahead, the engines were slowed and the helm put hard-a-port, in order to avoid a possible collision. His Lordship would no doubt be advised by the Naval Assessors, whether putting the helm hard-a-port was the proper thing at the time, the ordinary rule of the road. But further, it would be seen that it was in fact the right thing to do here; that the junk was passing from the starboard to the port side of the steamer, and that this order was the proper one in order to give way to her—to pass under her stern; if the steamer had put her helm hard-a-starboard it would have been at the defendants' risk. Where a collision was imminent, however, the rule was that vessels are not to stick to the one proviso, but to put the helm so that, if a steamer, it should pass under the stern of the other vessel. He quoted the case of the *Rose*, William Robinson, vol. 2, p. 1., to shew that the expression "giving way" did not mean crossing a vessel's bows, but going under her stern. The ordinary rule being, to put the helm to port, any departure from this was at the peril of the vessel; but there might be cases when to put it to starboard was the proper thing to do. The evidence in the present case went to shew that the vessels were so close, the night so dark, and the junk not carrying a light, that the defendants were justified in following the ordinary rule by putting the helm hard-a-port; but it fortunately turned out also to be the right manœuvre. With reference to the evidence, he submitted that the defendants' story was fully made out and was the probable one; that the Chinamen had overdone their story, and that their evidence in many instances was totally unreliable. His friend had put several alternatives before the Court on opening; but there was one other, and that was, that if there was reasonable doubt in the mind of the Court as to which vessel was to blame, the claim should be dismissed without costs.

The learned Counsel quoted a number of cases from Pritchard Digest, but to these Counsel for plaintiffs objected, because the Admiralty Reports of these cases were not brought before the Court.

Mr. BRID continued—His friend had attempted to shew that defendants were bound strictly by the Admiralty Regulations. But assuming that the junk was merely to be bound by maritime law, and the steamer by the Admiralty regulations, he submitted that it was sound law even by the maritime law, that notwithstanding a sailing vessel was not bound to carry a light ordinarily at night, yet, if the duty was imposed upon steamers of keeping clear of sailing vessels, it was reasonable that the latter should give notice of their position, by shewing a light in due time. Pritchard's Digest, vol. 1, page 145, and 9 Jurist p. 476. He submitted it was not only reasonable, but absolutely necessary upon a dark night, if a steamer was to perform its duty, that the sailing

vessel should show a light in due time. And therefore the want of proof of a light having been so shewn was evidence of such wilful neglect or gross negligence as would prevent the plaintiffs from recovering the compensation they claimed.

Mr. ROBINSON said it now became his duty to sum up the evidence in the case, and after very particular attention he was fairly entitled to say that the whole of it, his own as well as the defendants, entirely supported the case he had stated to the Court. The case on the part of the junk was that, lying helpless on the water, unable to assist herself in any way, she perceived the *Norna* astern, that she took those steps which were the only ones incumbent upon her, viz., she did what she could to shew her position; and of course, the question which the Court would have to decide was how far the evidence supported that; and if the Court arrived at the conclusion that she did not burn paper, and thought it necessary to overthrow the testimony on that point, he still contended that the junk being visible it became the business of the *Norna* to steer clear of her. The *Norna* simply said, it being a dark night the junk was not seen in time to avoid the collision. The learned Counsel would not attempt to deal with the naval manoeuvres, the gentlemen assisting the Court would do that. But if the story told by the *Norna* were true, that having sighted the junk say two or three ship's length off, which represented a distance of 220 yards at least, with a breeze blowing, according to the *Norna's* statement, at two and a half knots, with the helm of the steamer hard-a-port, and nothing interfering between them, it was strange how she could have run into a junk only 90 feet long, amidships. He considered it very fortunate for the plaintiffs that it was admitted they did nothing. If by any misfortune they had ported or starboarded their helm there would have been no end to the difficulties and constructions defendants would have put upon it. But when the other side admitted that plaintiffs did nothing, they confirmed the case which was originally put to the Court. For the *Norna* there was no excuse. In her official log there was what he might almost call an amusing statement. It said, at the conclusion of the report of the occurrence, "no attempt was made to avoid the collision by the junk, she deliberately sailed down across our bows" &c. That was an ingenious mode of reversing the facts, the real truth being that it was the steamer which came down deliberately in the way of the vessel going ahead. To suppose a case; if a carriage were driving along the road, on its proper side—and that was the position of the junk, which had a perfect right to be where it was—and if another carriage overtook the first and deliberately ran into it, who would be to blame? Before examining the evidence in detail, he would offer a few remarks to the Court upon a subject which he had anticipated would be a good deal insisted upon by his friend—the credibility of native testimony. His friend had dwelt in the first place on the inexpressible statement of one of his witnesses. What induced that witness to say that he had never been in his (Mr. R.'s) office, when he had been once, he could not say; but whether it was stupid folly or a deliberate intention to tell a falsehood, so far as this man's evidence was unconfirmed by other people the Court would be justified in rejecting it. But when his friend said that because one Chinaman was thus guilty the Court must reject all the other testimony, he made an assertion that a British Court, which does not trouble itself about nationalities but seeks to get at the truth, would not entertain. Practically, his friend's proposition would exclude from British Courts all native testimony. The Court would have observed in its experience that foreigners were willing enough to resort to native evidence for their own interests, and constantly brought it forward; and how inconsistent then must it be, how glaringly unjust, that, unless shaken on its broad points, native testimony should be rejected because minor inconsistencies occurred in it. Of course, foreign testimony was tried by a much stronger test, and if perjury were found, it was rejected; but the same test could not be applied with the same strictness to native testimony. Fortunately, when he came to go over some of the relative facts of the evidence, it would be found that the discrepancies were singularly small; and before proceeding to examine what he thought were the three greatest discrepancies, he would ask the Court

to bear in mind, when valuing the nature of Chinese testimony, the very imperfect mode they had of putting questions to the witnesses and of having their answers made clear. The Court had had many striking instances of the interpreter, with every desire to do what was right, getting, according to Chinese custom, so entangled in conversation with the witness, that, before he got an answer, he himself forgot the question put. The Court would agree with him that great allowance must be made for evidence so taken. Even when the interpreter had succeeded in putting a question after great trouble, he might, with all the good faith in the world, communicate a wrong answer—of which they had one or two singular instances. To the question whether stars were visible or not, the answer the interpreter gave was that the night was cloudy, the Chinese term used, *am-man*, meaning plenty as well as clouds; and Mr. Weng, on being asked to put the question again, stated the witness meant there were plenty of stars. Another instance was when the supercargo was asked what he was, and answered, as given by Mr. Weng, that he was captain of the junk; but further investigation had proved that the term made use of was not what was meant to be conveyed at all, but that another word was used, which the interpreter did not know how to render into English. A third misunderstanding, rather a glaring one, was when the list of the crew was being taken, when the interpreter again called a man the captain, and this man had for a time been captain, but was pilot on this voyage. It was pointed out to the interpreter, however, that the terms used were really different. Having these instances before them he (Mr. R.) thought that every allowance must be made for the simple wording of the answers given. The proper test, and the test by which he was sure the Court would be guided, was to look at the broad facts. If the witnesses had said there were two lights on the junk, or that the vessel was going North when she was going South, glaring inconsistencies which they could only have made if inventing their evidence, these might have induced the Court to reject the testimony, but not surely for mere simple discrepancies which, owing to the mode in which the testimony was taken, must almost necessarily arise.

His LORDSHIP said too perfect consistency was rather the fault of the Chinese evidence here.

Mr. ROBINSON was sorry, if the Court had that impression, but, if reference were made to the record, he would venture to say that it would show numerous slight differences, and that scarcely any two of the witnesses agreed. These men were not telling a story, but rather the different impressions which would be produced upon different men by the circumstances in which they were placed. For instance, the lowdah said he could have seen a junk with a light 10 or 11 li off, and if there were no light 5 or 6 li off, and this man was an old sailor. The next man called did not say that he could see 10 or 11 li, but that he could see a junk with a light 8 or 9 li, and without, 2 or 3 li, and that was not telling a story, but the impression which each had on his mind. The other evidence would be found fairly consistent, though not without those small discrepancies which might occur particularly from the way in which the witnesses were questioned. Could men placed in a position of extraordinary peril be expected to be perfectly accurate? The position of the two vessels must be taken, and the broad facts which are not denied looked at, and then the Court could say which was to blame and which was not. It mattered not whether there was some doubt on the part of the Court as to the junk, there could be no doubt upon the very improper and unseamanlike conduct of the *Norna*. The line of cross-examination followed by his learned friend had not affected the Chinese testimony in any material point, but in weighing that testimony the only safe way was to take the broad facts. Here, he was not driven to that only; in instances which he would refer to the native evidence was remarkably confirmed out of the mouths of the defendants' own witnesses. He came now to the consideration of the confirmation which might be found in the evidence of the Europeans of the *Norna*, or the written documents, and the statements of the Chinese. The Court would bear in mind that all the statements on record for the plaintiffs were derived from the crew of the junk, he had no information except

from that source when he had to state a case for the Court; and he now proposed to compare the "preliminary acts" of the two parties, which it would be found were singularly alike. And therefore, if the Chinamen were able to instruct him upon the majority of these things, why were they to be considered, where they disagreed, less accurate than the *Norna*? In the first place, the whole theory of the defence was that it was so dark they could not see. They said in their answer that the night was dark and the atmosphere clear, the meaning of which to a sailor's mind, the Assessors would be able to judge—Captain Dundas said he could see the junk three ships' length off, or 250 yards. The *Norna* was bound to answer the question what measures were taken, and when, to avoid the collision. The "preliminary act" of the *Norna* was particularly silent upon the point as to when the measures were taken; if it had been stated, he believed they would be found to have been taken inconveniently near the time of the collision.

His LORDSHIP observed that it was mentioned that the helm was put hard-a-port and other things done.

Mr. ROBINSON said it was not mentioned when; and it was the duty of the defendants to take care that these things were put in their answer. Again, another thing omitted in the "preliminary act" was what was the distance of the junk when first seen. His friend had explained that he had made the mistake, but there was the omission and it should not have been made. This information was not before the Court, and as he understood there could be no alteration of the "preliminary act" the Court should take the time, as given by the Chinese. He repeated that so many circumstances had been correctly stated in anticipation by the native witnesses, it would be very unfair if, finding them confirmed to so great an extent by the testimony of the other side, the Court were, simply because of a few discrepancies between them and the foreign witnesses, to attach greater weight to the latter. One other general remark; any one of experience in collision cases would recognise the truth of what he said, viz., that contradiction was a certainty, and that the mere fact of contradiction was not all important. If these had been two foreign ships instead of a foreign and a native vessel, the Court would only have to turn over a volume of reports to find the strongest contradictions. The mere fact of contradiction went for very little indeed. He would now turn to the individual discrepancies, which were the only material ones that had cropped up in the course of the case. The first was the force of the wind, with regard to which the junk said "I was quite helpless, I could do nothing." The steamer said merely "O yes, it was blowing so and so." The question was suggested by one of the Assessors as to how the people on the steamer knew the force of the wind, and the answer was that they ascertained it when the vessel stopped. But would they have been likely to estimate that in the moment of a collision. But little time elapsed for them to do so, and calculating that a steamer would make some wind for herself, and seeing that they could only know of it when she was going, the two statements on this point would be reconciled more satisfactorily than by saying that two people were stating falsehoods. Now, which was likely to know best at what rate the junk was going? To repeat an observation he had before made, it seemed to him that if the junk were sighted as they admitted she was, whatever the distance was, if it were not under 250 yards, and the officer of the watch gave the order to port the helm while at full speed, and while the other vessel was going across their bows, it was almost impossible that the steamer would have struck the junk amidships. The next discrepancy of any moment was that regarding the kind of night; the one people said it was starlight, the others that it was dark, but they at any rate both said the atmosphere was clear. It was a singular thing that the only Chinese witness for the defendants had confirmed the statements of the plaintiffs by saying that he could see some stars, therefore if he could see some stars, it might not have been a starry night, but making allowance for the interest of the *Norna* to make it out a very dark night, the invariable conflict of testimony in these things, and finding that none of the Europeans would

admit that any stars were visible, and that the only one of the *Norna's* crew who saw them was a countryman of the plaintiffs, the night probably was not so dark as described by the defendants. And therefore when the plaintiffs sought to rely upon the nature of the night, there was less to find fault with in the Chinese evidence than, looking superficially, might be supposed. He was taking just now the position that the Europeans were all to be believed, but he would shew that there was much reason to doubt theirs as the native testimony. He came now to the third discrepancy, which was that the junk asserted that she carried a light the whole night, and that upon the approach of the steamer she burned paper. This was a material discrepancy, and it remained to be seen to which of the two the Court should lean. It could not fail to have struck the Court that the *Norna* admitted that a light was hoisted on board the junk. It was admitted, so far as the *Norna* was concerned, that this took place between the sounding of the steam whistle and the collision, and therefore very suddenly. But it involved this improbability, that the Chinamen, previously to the steamer coming in sight—for he thought the Court was not prepared to assert that they did not see the steamer—that the Chinamen having a light and the means of using it refrained from doing so till the very last moment.

His LORDSHIP remarked that the theory of course was that the Chinamen were all asleep, and knew nothing about the steamer till the last moment.

Mr. ROBINSON said the Court would then have to consider whether a junk in charge of a man like the captain of this one, who had made many voyages, and from whom the helmsman said he was bound to take his orders—shewing that on board an amount of discipline was maintained which he (Mr. R.) for one was hardly prepared for—to say that the whole of these people were asleep was asking the Court to believe something exceedingly improbable. With regard to the paper burnt, a mode of reconciling the discrepancy between the two had occurred to him that afternoon while a witness was giving his evidence. It struck him that the Chinese had said they burnt the paper when they saw the steamer's green light, and they saw it some way off; the lookout of the *Norna* being bad all this burning of paper took place and they never saw it. Furthermore, there was a rule universally acted upon at home in cases of this sort, that on the question of lights the Court gave precedence to the evidence of the affirmative over that of the negative, as both statements might then be true. The light might have been shewn but not seen. (Pritchard's Digest p. 153, par. 224; the *Clarence*, 1 Spinks, 213.) His witnesses deposed generally, each according to his eyesight, to the existence of a light, and without particular discrepancy in their statements as to how it was displayed. The Court had the admitted fact that there was a light hoisted at one time, that the appliances existed on board the junk, and very straightforward evidence regarding their use. It could almost be told by the manner in which the Chinese gave their evidence, which they did in a simple and unembarrassed way, whether they could be trusted; and having all this affirmative evidence, he asked could the Court go upon the assertion of the other side that there was no light simply because they did not see it?

His LORDSHIP observed that one of the witnesses said he saw a light being hoisted up, which was inconsistent with the other evidence.

Mr. ROBINSON said this evidence on the part of the defendants went to shew that there was a means of holding up a light—for what was that means provided if not for use? The evidence of the man who was on the lookout forward was very damaging; for although the Captain said this man could probably see as far as he could, three lengths of the ship, the man himself said he could not see more than one length. So much for the discrepancies of the case. He would now leave the matter in the hands of the Court. It seemed to him that the whole of the evidence pointed to the conclusion that there was an insufficient lookout on board the *Norna*, and he asked the Court whether in a steamer like the *Norna* there should be on a dark night but one European on deck? On no occasion could there be more unless the officers took extra duty, and he submitted that that single fact alone was one

of which the Court should take due cognisance and one to be considered in a question of damages—that there was not sufficient vigilance exercised in navigating on this coast. He had now concluded those observations which bore upon the plaintiffs' evidence, and would say a few words upon the evidence for the defendants. The burden of the remarks he was about to address to the Court was to shew that the evidence offered by the defendants was not more reliable in its nature than the native testimony. He should shew abundant discrepancy in it, and flat contradiction in one respect, a contradiction confirming entirely the original statement of the Chinese. In the first place Captain Dundas, in the official log written at the time, and in a letter which he addressed to the Consul at Swatow, said that as soon as he was clear of the wreck he sent a boat to assist the crew. Now it was not proved that he saved a single person nor that he tried to do so. His friend would now see why he had suggested that some of the boat's crew should be called. Why was the allegation he had made not met by the defence; they had the means in their power of disproving it—the crew of the boat and the statements of the people saved made through the supercargo, a brother of the owner of the *Norna*. They did not call any of these men to disprove what he now asserted was a fact, and when the second officer of the steamer went into the witness-box he entirely confirmed the statements of the Chinese. There was a false colouring given to his orders by Captain Dundas when he said that he sent a boat to assist the crew when clear of the wreck—it never occurred to him for a moment to do so. In the fifth paragraph of the answer, the defendants deliberately asserted, and should have called evidence to support it, that a boat was lowered to render every assistance in saving the lives of those on the junk. Let the Court bear in mind the evidence of the chief officer, Mr. Martin, who when he went alongside the junk shouted out but found no one: yet according to him there were twelve or thirteen people on the junk who never paid any attention to his calls. Here was a clear misstatement on the part of those on board the *Norna*, and if they were guilty of one misstatement it was not too much to say that they would be guilty of others. The "preliminary act" said that the speed of the *Norna* when the junk was first seen was about seven knots, and the same statement was reiterated in the answer. But Captain Dundas in his letter to the Consul said she was going six and a half knots, and the engineer when asked said seven and a half knots.

Mr. BIRD said the engineer's answer really was that in ordinary circumstances at that time the steamer, being very foul, would go seven and a half to eight knots.

Mr. ROBINSON had more than the engineer's statement. If his Lordship would turn to the evidence of Captain Dundas, he would find it stated that she was going seven and a half knots, and the second officer said that she was going seven and a half by the log. There were thus three distinct statements as to the speed of the vessel—six and a half, seven, and seven and a half knots; and, as these things were stated mathematically on board ship, they had a right to expect that when the defendants were inaccurate in these respects they might be inaccurate in others. They said in the official log they sighted the junk at 1.30, while the answer to the petition said 1.40 and the "preliminary act" 1.45; shewing that there was not that accuracy in those people that there ought to have been. If it were true that the junk was sighted at 1.30, how valuable might the other ten minutes have been? That was another proof of the unreliability of the evidence on the part of the defendants. Again, the answer said that the *Norna* struck the junk lightly. Now the log said nothing about it, and Captain Dundas moreover said in his letter that the officer reported in a few minutes the junk was sinking. When finding all these accumulated instances, surely he was entitled to weigh the bare statements of defendants' witnesses with as much suspicion as they pretended to weigh his. Where Captain Dundas said the stem of the steamer stuck in the junk, and that it was prudent not to reverse for fear of letting the water in, Mr. Martin, when asked, said the steamer did not stick at all. Here again was an instance of imperfect testimony, shewing how liable in emergencies like those even Europeans were

to make statements untrue in fact though not perhaps untrue in intention. Another thing very damaging so far as the defendants' case was concerned, was the conflicting statements regarding the use of the jollyboat. Captain Dundas and Mr. Martin said there were only two trips of the jollyboat, and the second officer said there were three, concurring in this with the Chinamen. Here there was a distinct contradiction between the European officers of the ship; though there were only three officers, they found the Captain and Chief Officer swearing one thing, and the officer of the watch contradicting them. There was nothing of that sort to be found in the testimony of the plaintiffs. What became of the argument his learned friend had used against the native testimony? He had only one thing now to allude to, and that was the case of the man who was drowned. The *Norna* had thought fit to contest the fact whether or not a man had been drowned; but all their statements of the fact were derived from Chinese interpreters, neither of whom had been brought before the Court.

Mr. BIRD said that he had never contested but had never admitted the question.

Mr. ROBINSON said he thought no one who had heard the remarks of his learned friend could have doubted that he meant that it was entirely a fictitious claim. In this matter a man was charged to produce his book, but did not know what for, yet he put his hand upon the names of the crew. Two of the witnesses knew the lost man and the place where he came from, and he (Mr. R.) thought there could be no doubt whatever that Hang-hok was drowned. In conclusion he would again urge upon the Court the consideration and vigilance which he thought foreigners navigating steamers in these seas should use, and the allowance the Chinese were entitled to expect from them. This was an important point to take into consideration in deciding the case. The evidence had clearly established—firstly, that the *Norna* ought to have seen the junk sooner and have avoided her; secondly, he submitted that the junk could do nothing whatever to avoid collision; thirdly, that the proper measures to avoid collision were not taken by the *Norna*, because it seemed to him impossible to deny that, when it was necessary for the captain to stop the engines when he came on deck, it was the duty of the officer of the watch to have stopped them before, and so have lessened the risk. Lastly, he submitted that the bulk of the evidence, weighed fairly and impartially, proved that the collision was to be attributed wholly to the want of a good lookout on board the *Norna*.

July 18th.

Judgment was delivered at 2 p.m. to-day, as follows:—

THE COURT comes to the conclusion that an insufficient lookout was kept on board the *Norna*, inasmuch as, from the rate at which the *Norna* was going, the junk must have been considerably less than three lengths distant when first seen, to cause the collision with the steamer's helm hard-a-port. We think there was an error in judgment in the officer of the watch not putting the helm to starboard under the circumstances of the case, which we think come within the proviso of the Admiralty Rules, sec. 19. Without accepting as certain all that the junk's witnesses state as to the precautions they took, the Court is still unable to see any ground for attributing blame to the junk. They had a right to keep their course, and could not have done otherwise; and it is admitted that a light was displayed by them previous to the collision,—though for how long a time, or whether it were a good light, the Court does not feel certain, but inclines to the belief that a light was really hoisted in sufficient time to avoid a collision, if a proper lookout had been kept on board the *Norna*. We are of opinion that upon a night as dark as the night of the collision is described to have been by the *Norna's* witnesses, a native lookout, whose only means of communication with the officer of the watch was a gong, was totally inadequate, and we consider that in vessels of this kind going at a high rate of speed Europeans should form a sufficient part of the crew to enable them to take this duty.

The consequence of this finding is that the steamer must pay the whole damage with costs of suit. The question of amount of damage to be referred to the Registrar and two merchants.

CIVIL SUMMARY COURT.

July 10th, 1871.

Before G. JAMIESON, Esq.

W. N. ROBINSON v. W. A. HAGUE.

Claim for \$35 on promissory note.

Defendant did not appear, and proof of service of summons having been taken, Plaintiff, sworn, produced promissory note payable on 15th June, for which he had applied for payment, but had been refused.

Order to pay within three days.

NAVAL COURT.

Hioغو, 7th July, 1871.

Before JAMES J. ENSLIE, *H.B.M.'s Acting Vice-Consul.*JOHN ROSKELL, master, s.s. *Thales*.JOHN J. SMITH, " s.s. *Emerald*.

H. ST. J. BROWNE.

The following is the decision of the Naval Court of Enquiry, into the loss of the British barque *Pride of the Thames*.

Considering the scanty evidence obtainable, owing to the loss of the captain, two mates and steward, we are of opinion that no blame can be attached to anybody, and that the loss of the British barque *Pride of the Thames*, was only owing to stress of weather.—*Japan Mail*.

Clippings.

A match at rackets was played on Tuesday, between Duval (Class A) and Gundry (Class B). We append the score.

Gundry 15 15 15=45
Duval 11 6 6=23

SUEZ, July 19th, 1 P.M.

Australia arrived Suez on 13th and left Port Said for Malta and (London*) direct on 14th. *Enterprise* arrived Suez 15th, *Erl King* 16th, and *Craigforth* 17th.

* Word unintelligible in Telegram.

Mr. Gower, mining engineer to the Government has erected a set of machinery on the Island of Sado for crushing and washing the gold quartz which is found in such abundance there, and it has now been at work for the last few weeks.—*Japan Mail*.

We hear from Canton that the Governor-General there has given orders for the removal of the Custom House at Macao to a distance of six li (about 2 miles) further away from the site originally decided upon. This therefore is a confirmation of the statement that the Macao question may now be taken as virtually at an end.—*China Mail*.

It is stated that the Canton authorities have determined upon a site at Honam for the erection of an Arsenal, similar to those established at Foochow and Shanghai, for the manufacture of vessels of war, as well as offensive weapons of the newest invention known to the Western nations. It is further rumoured that orders have been sent, more than a month ago, to the scientific countries for appliances and machinery. Another rumour is to the effect that the Mandarins are dying to possess a dock of their own at the City of Rams.—*Ibid*.

Sir Harry Parkes never sent a gunboat to Saghalien. If that Island is lost to the Japanese, it has, as we are informed, not at all been the fault of Sir Harry Parkes, and if the Japanese Government had acted upon his judicious advice, a satisfactory compromise might have been effected. But we believe we are not wrong in stating that the present American Minister offered his mediation in the matter to the Japanese Government in 1869. They, in an unfortunate moment, accepted it, without having ascertained whether the Russian Government would on their side agree to such mediation. There is no doubt that much valuable time was thus lost to the Japanese, whilst the Russian Government, as we hear, never had any intention of accepting the mediation of the United States in the matter. These fruitless negotiations, curiously enough, coincided with the sojourn in the port of Yokohama of a Russian ship of war, the first which had appeared there for several years.—*Japan Mail*.

The new Light on Shaweishan was successfully lighted on the 1st July under the personal supervision of the Chief Coast Lights' Engineer. After a thorough testing of six days it turns out in every respect successful, and must be a great boon to the large fleet of steamers and foreign vessels now so constantly traversing the surrounding waters. When the Kwashing left for Shanghai last night, she carried the new light to the full limit of its theoretic distance—23 miles, and was then in what we may call the focus of the Shaweishan, Gutzlaff and Tungsha Lights, all three being plainly visible. The Tungsha Light, which is calculated to throw its light over a radius of only 11 miles, was clearly seen in ordinary weather at Shaweishan, 20 miles off. Off course this was from a height of more than 200 feet.—*Courier*.

In our last issue, we noticed the loss of the N.-G. schooner *Volador*, and the safe arrival of Capt. Torgov and his crew in Shanghai. We, to-day, learn that the ill-fated vessel was bound with a full cargo from Chefoo to Asiatic Russia, and, when about 500 miles off the Shantung Promontory, struck on a rock, the name of which we have not learned. About 8 o'clock on the previous evening, this rock bore S., and Capt. Torgov consequently steered to the S.E., but, as the night approached, a dead calm with dense fog came on, rendering it impossible to see anything about the vessel at the time, and at about 3 a.m. the vessel most unexpectedly struck, to the amazement of all on board. She bumped twice, and immediately began breaking up. The Captain instantly got his chief officer, who was laid up with a broken leg, into the longboat, and had barely time to get out another boat and place in it some provisions when the vessel went to pieces. The only thing of any value saved from the wreck was a compass and chronometer; and the Captain, who was interested in the vessel, is completely ruined by his loss. The crew, which consisted of five Europeans and five Chinese, after their third day at sea, hailed a junk, but those on board refused to receive them or give them any help; but on the fifth day out, a junk, bound for Shanghai, picked them up and carried them safe to port.—*Express*.

A sad account reaches us of the foundering of the Siamese ship *Prince of Wales*, with nearly all hands. It appears that the vessel, which belongs to a Siamese firm in Bangkok, left this port for Siam (and is the old *Vicount Canning* converted into a sailing vessel), on the morning of the 26th June, with ballast and sundries. She is an iron vessel of 782 tons, and carried the following company:—Captain Young, two mates, 35 of a crew, 13 Chinese, 2 women and 1 child; in all 54. All went well until the evening, when the weather assumed a threatening appearance. While still in sight of land, about 7 p.m. of 26th, the wind began to blow in hard gusts; and all sail was taken in, except the main top-gallant sail, which was reefed. At 2 a.m. of the 27th, the remaining sail was blown to ribbons, and the main top-mast was snapped like a wand; wind blowing terrifically, and sea raging fearfully. Was obliged to let her drive, when she got into the trough of the sea. At 4 a.m., the ship began to settle down by the stem. The Captain could not find out the reason for this at first, as no great leakage was discernible below; but it was afterward found that the bull's-eyes had been dashed in by the heavy sea and that the water had been shipped through them in masses that were irresistible. Pumping was not attempted, as the ship was settling fast; and the officers and crew appear to have done nothing but stand on the poop and watch their doom. There were three boats on board, but they are said to have been unserviceable or useless in so fearful a season. At daylight, no land was visible and things were near the worst. She sank at 6 a.m., head first. Groups of heads were seen struggling on the water for some time after the ship went down; but so far as we know at present, only three of the crew escaped to tell the tale here briefly narrated. The survivors saved themselves by holding on to spars which were floating about; and the poor fellows must have had a very weary time of it. From 6 a.m., of 28th till 3 p.m. of the 29th (thirty-three long hours) did these shipwrecked seamen cling to the spar, until they were picked up by the master of a Macao fishing-junk. They arrived in the junk last night; and as the survivors have been well treated, the junkmen have been rewarded, by Mr. H. Nicaise, the Siamese Consul, for their good conduct.—(*China Mail*.)

Miscellaneous Intelligence.

BIRTHS.

On 15th inst., the wife of J. F. WALLACE, Esq., of a daughter.

At Fair Haven, Hioغو, on the 11th July, the wife of W. C. KORTIALS, Esq., of a Daughter.

DEATH.

At Hakodadi, Japan, on the 19th May 1871, JAMES MARK, A.M., of Aberdeenshire, Scotland.

THERMOMETER—SHANGHAI.

DATE.	1871.		1870.	
	Night. Min.	Day. Max.	Night. Min.	Day. Max.
July 14	77	90	72	79
" 15	75	88	72	75
" 16	78	90	72	83
" 17	79	93	79	91
" 18	80	91	80	89
" 19	79	88	77	81
" 20	80	92	76	90

METEOROLOGICAL TABLE.
(WOOSUNG.)

Date 1871.	Time of High or Low Water.	Water on Bar.	Wind.	Bar.	I.	Bar.	Ther.
July 13 H.W.	A. M. 8.48	21.09	S. S. E.	12	b	30.03	88
" 13 L.W.	4.46	17.01	"	1	c	30.05	87
" 14 L.W.	5.54	17.01	South	1	b	30.01	82
" 14 H.W.	10.26	22.01	S. by W.	1	b	30.04	89
" 15 L.W.	7.13	17.00	S. by W.	1	c	30.01	82
" 15 H.W.	11.24	22.05	S. W.	1	c	30.03	87
" 16 L.W.	7.58	16.08	"	1	m	30.05	90
" 16 H.W.	12.04	23.01	"	3	b	30.07	94
" 17 L.W.	8.30	16.03	S. by S.	1	b	30.05	89
" 17 H.W.	12.24	21.03	S. W. by W.	1	b	30.09	93
" 18 L.W.	9.06	13.11	S. W. by S.	1	b	30.10	90
" 18 H.W.	1.10	21.05	S. W.	1	c	30.11	93
" 19 L.W.	1.48	13.07	S. W. by S.	1	c	30.08	86
" 19 H.W.	1.53	21.07	S. W.	1	c	30.07	90

EXPLANATION

F. Force (1 to 12.) I. Initials; b. blue sky; c. cloud; f. fog; h. hail; l. lightning; m. misty (hazy); o. overcast (dull); r. rain; s. snow; t. thunder; z. calm.

PASSENGERS.

ARRIVED.—Per *China*, from Hongkong—Mr. and Mrs. Moses, and family, six Europeans, and eleven Chinese. Per *Costa Rica*, from Japan—Miss Mechin, Hon. James Brooks and Daughter, Messrs. Jno. Pastorias, Hodgson, eight Japanese, and ten Chinese. Per *Shantung*—Mr. and Mrs. Skatchkoff and family, Messrs. Carpenter, and Cowles.

DEPARTED.—Per *Sunda*, for Singapore—Capt. Kirk, Mrs. Kirk, and infant. For Hongkong—Capt. E. Gillson, Officers, and Crew of str. *Ganges*, Mr. Specht Cheong Fat, and fifty deck passengers. Per *Nanzing*, for Chefoo—Rev. Mr. and Mrs. Innocent, and family, Mrs. Mayhew, and Judge Goodwin. For Tientsin—Mr. A. Wieters. Per *Golden Age*, for Nagasaki—Messrs. Easton, and W. Smith. For Hioغو—Mr. and Mrs. W. K. Tucker, and Mr. J. N. Besser. For Yokohama—Messrs. Barron, W. E. Eastlack, R. E. Eastlack, T. Brewer, and J. F. McGrath.

PRICE OF THE NORTH-CHINA HERALD AND S. C. & C. GAZETTE.—Per Annum, Taels 12; Six Months, Taels 6.50; Three Months, Taels 3.50—all payable in advance. Credit price, Taels 15 per Annum. Subscriptions will be considered as renewed, unless notice to the contrary be given before the expiry of the current term. TERMS FOR ADVERTISING.—Ten Lines and under, *One Tael*;—each additional line, *One Mace*. One-half of these charges for repetitions. Contracts may be made for 3 months, or longer, payable in advance. SUBSCRIPTIONS received, and Single Copies Sold, by GEORGE STREET.

30, Cornhill.

LONDON E.C.

Advertisements will be repeated unless countermanded.

IMPORTS—SUNDRIES.

SHANGHAI, 20TH JULY, 1871.

On the 14th we issued for the English mail. The mail of June 2nd per *Malacca* came in on the 17th. Political telegrams we have none of importance. Stocks of imports are somewhat reduced, and prices are considerably enhanced. The Treaty Consuls have been in correspondence with the Tantai on the question of Transit passes, and the matter is to be referred to Peking, as too important to be dealt with by the local authorities; but any reference on a matter which has already been decided by appeal to a British Minister at Peking, seems almost unnecessary. The Russians, it is reported from Nagasaki, are about to appropriate Saghalien, and the Japanese Government are sending a Corvette to watch proceedings. A Japanese newspaper says that the Japanese will lose Saghalien and probably the corvette also.

This time last year we expressed anxiety to know what the English Government would do in the matter of the Tientsin massacre; we can now ask what have they done? This time last year we reported a very rapid rising of the river Yangtze. So far this year, the reverse seems to be the case. The *Glenyle* is reported badly ashore near Kiukeang.

The arrivals have consisted in—on the 14th *Jurgen* from Hamburg; 17th *James Wilson*; *Aeon* and *Red Deer* from Cardiff, *Tartar* from Swan river; 18th, *Embarcador* from New York. Departures—15th *Argonaut*; 18th *Leucadia*; 19th *Sir Wm. Wallace*, for London.

The weather since the 14th has been very warm, but accompanied by a moderate breeze at intervals. The thermometer has ranged from 77 to 80 by night, and 88 to 94 by day, a heat which is very trying to Europeans.

Greater quietness has ruled in the Grey and White Shirting and T-Cloth markets throughout the past week, and a slight decline in the value of the former has been established. Fair settlements, however, have taken place, and a moderate enquiry exists for ordinary to good common chop 8½ lbs. Shirts at Tls. 1.89 a 1.93 per piece, and for Dewhurst's at Tls. 1.97 a 1.99 per piece cash. There is no alteration to note in the prices of White Shirts and T-Cloths.

In Drills a large business has been done, and the reduced stock of good quality has enabled holders to command much higher rates. Sales of English hard cargo to arrive, have been made at Tls. 3.10 a 3.25 per piece. Jeans are slightly higher in value but have not been in very great enquiry, save by speculators, who have operated for arrival at Tls. 2.40 per piece for 8½ lb. English makes. Stocks are low.

FANCY COTTONS.—Velvets, Velvetens, and Chintzes are still wanted and rates tend upwards. A few Turkey Red Shirtings have changed hands at a slight improvement on last quotations.

WOOLLENS.—Speculative purchases of Camlets, Long Ells, Spanish Stripes, Lustres—in fact of nearly every kind of Woollens, are reported, and as a rule the closing quotations shew a decided rise on those last given. C. P. H. assorted Camlets are worth over Tls. 13.50 per piece, ordinary assorted have been sold at Tls. 12.75 per piece, and for a chop of Scarlets, ordinary chop, Tls. 13.50 per piece has been paid. Scarlet C P H Long Ells are worth Tls. 6.00 per piece, and assorted of same chop Tls. 5.55 a 5.60 per piece. Sales of Spanish Stripes H H are reported at Tl. 0.60 per yard, and of medium Cloths to a considerable extent, at as high as Tls. 2.00 per yard. Figured Orleans are still in great favor and request, and as soon as any lot either to arrive or on the spot is placed on the market it finds a ready buyer at extreme rates. Crapes of all classes have further improved in value.

SPANISH STRIPES, C. P. H.—

Scarlet	per yd. 0.61 to
Dark Blue	0.58 1/2
Orange	0.38
Gentian	0.59
Green	0.50
Ash	0.50
White	0.15
Purple	0.53
Black	0.53
Brown	0.55

LONG ELLS, C. P. H.—

Scarlet	per pc. 5.95 to 6.00
Dark Blue	5.65
Orange	4.00
Gentian	5.00
Green	6.00
Purple	5.25
Black	5.00
Brown	5.00

CAMLETS, C. P. H.—S. S.

Scarlet	per pc. 13.70 to
Dark Blue	13.00
Orange	12.50
Gentian	13.75
Green	12.00
White	13.00
Purple	12.50
Black	per pc. 10.50

FIGURED ORLEANS—

Scarlet	per pc. 4.10 to
Dark Blue	3.30
Straw	3.80
Gentian	4.10
Green	3.30
Young Green	3.50
Ash	3.20
White	3.75
Purple	3.90
Black	3.60
Sky Blue	3.50
Lavender	3.50
Mauve	4.00

Stocks on 15th inst. are exclusive of unpublished cargoes, inward, per steamer *Ajao* from Liverpool and Hongkong; steamers *Sunda*, *Savonada*, *Rona*, *Acantha* and *China* from Hongkong, arrived in July; also exclusive of outward cargoes per steamers *Szechuen* and *Appia* for Northern Ports; steamers *Plymouth Rock*, *Fusiyama* and *Tunsin* for River Ports; steamers *Chusan*, (twice), *Kiangse*, *Yuen-tzei*, *Sunda* and *Rona* for Southern Ports, cleared this month.

Grey Shirtings	1,872,799 pieces.
T-Cloths	418,972
White Shirtings	205,480
Drills,—English	66,475
" American	22,957
" Dutch	37,695
Jeans,—English	10,727
" American	8,500
" Dutch	11,400
Sheetings,—English	200
" American	
" Dutch	
Dyed Shirtings	20,928
Spotted Shirtings—White	2,449
" Dyed	3,100
Brocades,—White	3,390
" Dyed	21,956
Chintzes	170,528
Damasks	1,410
Turkey Reds	56,914
Velvets	23,028
Velveteens	34,356
Haudkerchiefs	30,948 doz.
Muslins	2,987 pieces.
Dimities	21,418
Spanish Stripes	24,643
Medium, Broad and Habit Cloth	29,730
Camlets,—English	23,500 pieces.
" Continental	1,190
Long Ells	109,030
Lastings	14,537
Do. Crape	16,920
Lustres & Orleans,—fid. plu.	84,327
Opium,—Malwa	3,212 chts.
Patua	533
Benares	191
Persian	89

STRAITS PRODUCE:—

SANDALWOOD is in more enquiry. For the cargo ex *Neslor* and *Freemantle* Tls. 3.70 is asked.

SUGAR is without change. Sales are being made at last quotations.

METALS.—NAILROD IRON.—Some 14,500 Bundles have been taken during the week at Tls. 2 a 2.20 per picul, shewing prices to be still unchanged. There is a considerable enquiry on the part of speculators, who appear to be anxious to invest in parcels containing a good proportion of small sizes, and an advance seems probable before long.

LEAD is firmly held for an advance. Sales of L B have transpired a Tls. 4.35.

COALS.—But few sales since our last issue. Rates are firm and but few Coals in the market except Cardiff. Sale of 475 tons Anthracite Coal a Tls. 11 ex ship.

FREIGHTS.—Tonnage is scarce and but few ships in port. The *Ajao* and *Sarah Scott* are full for London a £4.10s. 40 feet, and £3.10s. 50 feet respectively. Enquiry for Keelunga a \$2.60 per ton. The s.s. *Cleator* and barque *Hammonia* are chartered for San Francisco.

QUOTATIONS, DUTY PAID IN SHANGHAI SYCEE.

Tls. 76.95 EQUAL Mex. \$100.

COTTON PIECE GOODS:

G. E. GREY SHIRTINGS,	T.m.c.	T.m.c.
38½ yds. 39 in. 7½ lbs.	per pc. 1.68 to 1.76	
84 to 8½ lbs.	1.88	1.99
9 lbs.	2.30	2.40
9½ lbs.	2.45	2.65
G. E. WHITE SHIRTINGS,		
40 yds. 36 in. 52 reed...	per pc. 1.60	1.65
56 reed	1.85	1.90
60	1.95	2.03
64	2.08	2.20
66 to 72 reed	2.20	2.50

AMERICAN DRILLS,—

40 yds. 30 in. 15½ lbs. per piece 3.30 „ 3.47½

AMERICAN JEANS,—

30 yds. 30 in. 8½ lbs. per piece 2.40 „ 2.65

AMERICAN SHEETINGS,—to arrive

40 yds. 40 in. 15½ lbs. per piece 4.20 „

ENGLISH DRILLS,—

40 yds. 30 in. 14 a 15½ lbs. per piece 3.00 „ 3.20

ENGLISH JEANS, 8½ lbs.

2.38 „ 2.45

DUTCH DRILLS,—

30 inch. 40 yds. per piece 2.95 „ 3.15

DUTCH JEANS,—

30 inch. 30 yds. per piece 2.43 „ 2.55

T-CLOTHS—6½ lbs. 24

yds. 32 in. Ordinary per piece 1.15 „ 1.30

7 lbs., do. do. „ 1.35 „ 1.50

6 lbs. Mex. „ 1.45 „ 1.52

7 lbs. „ 1.60 „ 1.70

8 to 8½ lbs. „ 1.80 „ 1.95

X X 0.00 „ 2.35

HANDKERCHIEFS, Blue... per doz. 0.60 „ 0.65

Brown „ 0.45 „ 0.55

WHITE FIGURED SHIRTINGS per pc. 2.25 „ 2.30

Dyed „ 2.85 „ 2.90

BROCADES—

White 40 yds. per pc. 2.20 „ 2.25

Dyed „ 2.85 „ 3.00

DAMASKS, Dyed, 40 yds. „ 4.80 „ 5.00

GENTIAN SHIRTINGS „ 2.45 „ 2.55

CHINTZ—

Assorted per doz. 1.30 „ 1.60

Blue and Brown „ 1.05 „ 1.15

Scarlet „ 1.35 „ 1.60

TURKEY REDS, 24 yds. „ 1.65 „ 2.15

Do. Best „ 2.25 „ 2.45

VELVETS—

Black, 22 in. per yd. 0.16 „ 0.18

Black, 18 in. „ 0.09 „ 0.12

26 in. „ 0.15 „ 0.17½

DIMITIES, 12 yds. 37 in. per pc. 0.95 „ 1.20

MUSLINS, 12 yds. 42 in. „ 0.80 „ 0.90

CAMLETS, English—

S S „ 12.60 „ 13.50

G G „ 13.40 „

S S, G „ 13.10 „

MEDIUM BROAD AND HABIT

CLOTH „ 1.00 „ 2.00

SPANISH STRIPES per yd. 0.54 „ 0.61

T. T. R. „ „ 0.61

LONG ELLS—

Scarlet, 21 yds. H H per pc. 5.80 „ 5.90

C P H „ 6.00 „

Assorted, H H „ 5.50 „ 5.55

C P H „ 5.60 „ 5.65

G G „ 5.50 „

LASTINGS, 30 yds. „ 9.25 „ 11.00

CRAPE LASTINGS, 30 yds. „ 6.25 „ 6.75

CRAPE LUSTRES „ 3.55 „ 3.80

ORLEANS—

Figured, 30 yds. per pc. 3.85 „ 4.05

Plain, 30 yds. „ „

IRON—

Nail Rod small sizes per pl. 2.05 „ 2.20

Fair to good assortments „ 1.15 „ 2.10

Hoop „ 2.00 „ 2.20

Flat and Round „ 2.00 „ 2.30

LEAD L. B. „ 4.35 „

Common „ 4.25 „

TIN PLATES	£box 3.8.0	4.0.0
STEEL	£tub 2.6.0	2.8.0
FLINTS	£pl. 0.5.5	0.6.0
WINDOW GLASS.....	£box 2.0.0	2.2.0

PEPPER—		
Black	£pl. 8.5.0	9.0.0
White.....	8.0.0	9.0.0

BETEL NUT—		
Cochin China	£pl. 2.5.0	3.0.0
Singapore	1.8.0	2.4.0

SAPAN WOOD—		
3 pieces weighing 1 pcl. ..	£pl. 3.0.0	3.2.0
6 a 7	1.6.0	1.8.0

SANDAL WOOD—		
Best picked.....	£pl. 3.4.0	3.7.1
South Sea Island	3.2.0	3.4.0
Malabar	12.0.0	14.0.0

MANGROVE BARK—		
Singapore and Penang ..	£pl. 1.0.0	1.3.0

TIN—		
Straits.....	£pl. 19.2.5	20.0.5
Malacca	26.0.0	26.0.0

RATTANS—		
Straits, common.....	£pl. 2.6.0	2.8.0
Banjerassing	3.5.0	4.8.0

SUGAR—		
Black, Swatow & Amoy.....	£pl. 2.1.0	2.4.5
Formosa	2.1.0	2.4.0
Brown, Hainan	2.8.0	3.0.0
Formosa & Amoy.....	2.6.0	2.7.0
Swatow	2.6.0	2.7.0
Canton.....	2.9.0	3.1.0
Manila.....	2.5.0	2.6.0
White, common to fair....	3.5.0	4.0.0
medium	6.2.0	6.5.0
fine to finest	6.5.0	6.8.0

OPIUM.—The market for Malwa has not opened since arrival of mail steamer. Very little is doing in other drug. Patna firm. Malwa, Tls. 495 nominal. Patna, new, Tls. 475; old, Tls. 520.

EXPORTS.

TEA.—Our market for Tea during the past week has been active and a large business can be reported.

Black Teas have been taken freely, and owing to a small decline in prices settlements reach 22,000 chests. Re-shipments 24,000 chests. Stock 28,000 chests. There has been fair value in some of the second crop Teas. Inferior Shongtams have realized Tls. 167, better quality Tls. 18 per picul.

Green Teas.—A fair business has again been done in Pingsuey for America, and all parcels with any pretension to quality have brought extreme prices. Two chops of Hoochows, Shanghai packed, have sold at Tls. 34 to 38. Settlements and shipments:—

Pingsuey 6,400 ½-chests; stock 7,300 ½-chts. Hoochow 2,000 " 3,500
Our total export to date is 34,060,000 lbs., against 26,500,000 lbs. at same date last season.

SILK.—Notwithstanding the large settlements of last week and the high prices, buying has still been going on, and fully 2,000 bales have found purchasers. The classes of silk which have been the most in favor are, Chop silks at prices from Tls. 560/575 per picul. Market silks at 505/525, Hainings at 475/485, Kashing Tayssam at 520/540. From want of a demand for America Re-reeled silks have been neglected. The stock is estimated at 5,000 bales. Market closes firm.

EXCHANGE AND BULLION.

We have had a quiet week in exchange, rates remain the same, but the private paper that is now for sale has somewhat strengthened the tone.

On London— Per Tael.
Bank Bills, 6 months' sight 5s. 11½d.
Credits, " 6s. 0d. at 6s. 0½d.
Bills, 6 months' sight... 6s. 0½d. at 6s. 0¾d.
On Calcutta—
Bank Bills, 3 days' sight... Rs. 310.
On Bombay—
Bank Bills, 3 days' sight... Rs. 310.

On Hongkong—

Bank Bills, demand... 26½ p cent. disc.
Private, 15 days' sight 26½ "

BULLION.

GOLD BARS.—Pekin, 98 touch, Tls. 168.50 per bar of 10 Taels Shanghai weight.
BAR SILVER.—111.40 Shanghai Taels, per 100 Taels Canton weight.
MEXICAN DOLLARS.—76.675; CAROLUS—77.30.
COPPER CASH.—1,580 per Tael.

LIST OF SILK SHIPPERS.

From 1st to 19th July, 1871.

Adamson, Bell and Co.	553
Blain and Co.	60
Barnet and Co.	387
Beazley Paget & Co.	...
Birley, Worthington and Co.	635
Birt & Co.	77
Bland, J.	...
Borntraeger and Co.	123
Bourjau, Hubener and Co.	73
Bovet, Brothers and Co.	128
Bower, Hanbury and Co.	807
Brand Brothers and Co.	597
Bull, Purdon and Co.	20
Butterfield & Swire.....	307
Chapman, King and Co.	...
Chinese (coastwise)	...
Cumine and Co.	...
Dent and Co.	...
Dickinson and Co.	...
Essex and Co.	519
Fogg and Co.	32
Findlay, Wade and Co.	75
Gamwell, F. R.	187
Gibb, Livingston and Co.	403
Gilman and Co.	649
Heard, Augustine, and Co.	215
Helbling, J. C. and Co.	126
Hogg, Brothers	319
Jardine, Matheson and Co.	315
Jarvie, John, and Co.	264
Lindsay & Head	57
Maertens, A. H.	63
Major, E.	...
Meynard and Co.	...
Milson and Tod, ...	1070
Nachtrieb, A. and Co.	535
Olyphant & Co.	...
Petrocchino and Co.	...
Pila and Co.	293
Pustau, Wm. and Co.	87
Reid and Co.	...
Reiss and Co.	660
J. S. Robison, ...	20

D. Ringer	...
Russell and Co.	170
Remé, Wm. and Co.	...
Sassoon, David, Sons and Co.	691
Sassoon E. D. and Co.	...
Scheibler, Matthaei and Co.	...
Shaw, Brothers and Co.	679
Siemssen and Co.	20
Skeggs, C. J. and Co.	2282
Smith, Archer & Co.	...
Textor and Co.	970
Thorne, Brothers and Co.	294
Trautmann and Co.	...
Turner & Co.	160
Vaucher Freres	6
Westall, Brand and Co.	227
Wright Burkill and Co.	154
Sundries	1278

Total Bales..... 16,587

NEWCHWANG.

8½-lb. Shirts are quoted at Tls. 1.85. Business is restricted, owing to the half-yearly settlements. Malwa 510, Beancake Tls. 3.30, Peas 2.85. The quotations for tonnage remain nominal for Swatow and Hongkong 30 @ 35c. Some demand is springing up for Japan, but the requirement for Shanghai is satisfied by the arrival of vessels chartered there to return; rates may be quoted 24c. There are no seeking craft in port.

ARRIVALS.

From Chefoo—Brit. s.s. "Miaca," N.-G. barque "Stephanie," N.-G. schr. "Meta," Brit. barque "Matilda," N.-G. schr. "Active," s. "Kiusku," Brit. barque "Prospector." From Taku—N.-German barque "Gustav Adolph," N.-G. barque "Colima," Danish "Kronprinzessen," N.-G. barque "Gustav." From Amoy—N.-G. schr. "Emma," "Formosa—N.-G. "Marie Louise." "Swatow—N.-G. "Rebecca," N.-G. "Frolich." From Shanghai—N.-G. "Hesperus," Brit. barque "Gelfrad," French barque "Julie Dufaire," French "Felix," "Forcade des a Roquette," Brit. barque "Emperor." From Foochow—N.-G. schr. "China."

DEPARTURES.

To Shanghai—"Audax," s.s. "Miaca." "Hongkong—"Doon," "Gustav Adolph." "Swatow—s.s. "China," Nil Desperandum, "Annie Muriel," "Colima." To Nagasaki—"James Paton." "Yokohama—"Ellen Morris."

30th June.

SHIPPERS OF TEA FROM HANKOW.

Season 1871-72.

SHIPPERS.	FROM 23RD JUNE TO DATE.				TOTAL TO DATE.			
	Chops.	Chests.	Half-chests.	Bales.	Chops.	Chests.	Half-chests.	Bales.
Adamson, Bell and Co.	...	...	...	...	24	6,700	5,690	...
T. F. Ballance	2	340	790	...	15	7,770	790	...
Beazley, Paget and Co.	2	770	...	...	20	3,640	3,400	710
Brondsted and Luddeke.....	4	2,170	...	...	28	16,600	5,590	600
Drysdale, Ringer and Co.	10	5,320	...	...	81	33,430	12,940	3,100
Evans and Rainbow	4	1,400	...	500	61	25,070	8,780	2,920
Gibb, Livingston and Co.	3	1,850	...	...	21	5,580	7,290	520
Gilman and Co.	11	3,000	860	200	56	23,020	6,410	1,150
Gordon Brothers	11	4,270	500	200	89	30,500	13,350	7,250
Haminoff, Rodionoff and Co.	6	1,830	100	...	18	5,820	3,590	...
A. Heard and Co.	...	...	...	...	7	2,000	1,830	700
Ivanhoff, Oberin and Co.	1	540	...	...	30	4,430	9,050	2,280
Major and Smith	4	1,010	360	...	22	8,620	1,410	460
Okooloff and Tokmakoff	6	1,350	1,520	...	40	6,160	15,820	...
Pugh and Co.	4	1,560	...	...	46	22,130	5,540	2,230
Rodewald, Schonfeld and Co.	...	...	...	...	6	1,870	3,020	...
Russell and Co.	...	...	...	...	...	...	...	...
D. Sassoon, Sons and Co.	...	...	...	...	26	11,790	3,280	...
Shaw, Ripley and Co.	...	...	...	...	4	1,730	600	...
E. Townsend and Co.	9	740	3,280	...	31	4,550	7,940	1,880
Turner and Co.	...	...	...	...	7	3,090	1,050	...
Native shipments.....	97	40,550	...	...	194	84,470	...	...
Total.....	174	66,700	7,410	900	829	306,540	120,390	24,220

Hankow, 8th July, 1871.

MONETARY AND COMMERCIAL.

SHARE MARKET.

Stock.	Shares	Paid Up.	Dividend	Closing Quotation.
Banks.				
Agra Bank		10	S p.c.	8 Noml.
Comptoir d'Escompte de Paris	20	20		"
Chartered Bank of India, Austr. & C.	20	20	6 p.c.	13 Noml.
Chartered Mer. Bank of India, London and China	25	25	6 p.c.	22.5 Noml.
Oriental Bank	£25	25	12 p.c.	43 "
H'kong and Shanghai Bank, Old	\$125	125	10 p.c.	43 " buyers.
Do. do. New		75	10 p.c.	41 " sales.
Steamer Cos.				
S. S. N. Co.	Tls.	Tls.		Tls. 140.1 cash, 151 Dec. 31, sales
" Stock	100	100	12 p.c.	20-20 sales.
" Scrip 1871		20		81 sales.
Union S. N. Co.	100	100	10 p.c.	"
North-China Str. Co.	500	500		110
China Sea Steamship & Strs. S. S. Co.	\$100	50		50 Noml.
China and Straits S. N. Co.	100	25		25 Noml.
Docks.				
Shanghai Dock Co.	11,500	Tl. 500	4 p.c.	Tl. 172 buyers.
Pootung Dock Co.	3,000	3,000	None.	1,000 Noml.
Gas				
Shanghai Gas Co.	100	100	12 p.c.	Tl. 130
French Gas Co.	50	50	10 p.	60
H'kong and China Gas Co. Limited	£10	£10	10 p.c.	Noml.
Insurance.				
China Traders' Co. Limited	1,000	1,000	475 p.sh.	\$3,200 Noml.
North-China Insure. Co.	Tls.	Tls.		Tl.
" Co.	1,000	Tl. 200	Triennial	545 sales.
Union Insure. Socy. of Canton	15,000	1,000	Triennial	2,500 Noml.
Y'tze Insure. Assn.	Tl. 500	Tl. 500	15 p.c.	800 cash, buy, 840 Dec. 1, sales, 845 Dec. 1, buy, Tl. 142
China & Japan Marine Insure. Co.	500	100	12 p.c.	Tl. 142
Chinese Ins. Co. Limited	\$1,500	200		\$240 sellers.
H'kong Fire Insure. Co. Limited	1,000	200	12 p.c.	" 490 sales,
Victoria do.	500	100	12 p.c.	" 42 "
China Fire Insure. Co. Limited	500	100	12 p.c.	" 52 buyers.
Miscellaneous.				
S. T. & Lighter Co.	Tl. 850	Tl. 850	5 p.c.	Tl. 400
Hongkong Wharf Co.	100	100		Tl. 115 buyers.
Soochow Bridge Co.	100	100	15 p.c. & bonus.	200 Noml.
Shanghai Racket Club Recreation Fund	120	120	5 p.c.	30 "
Bridge of Boats (Ningpo)	\$50		None.	20 "
	500	500	12 p.c.	"

J. P. BISSET & Co.,
Sharebrokers.

THE SHANGHAI GENERAL HOSPITAL, ON THE FRENCH BUND.

THE Trustees of the Shanghai General Hospital beg to notify to the Public that Patients will be admitted to the above institution at the following rate of charges—

1st Class.—Private rooms with every possible comfort, Doctors' attendance and Medicines included Tls. 3 per day.

2nd Class.—Not more than five Patients in one ward, Doctors' attendance and Medicines included Tls. 2 per day.

3rd Class.—The number of Patients in this class will be limited by the size of the wards, and the charge \$1.50 per day, including Doctors' attendance and Medicines.

Extras not prescribed by the Medical Officer will be charged for as hitherto.

The Premises have been thoroughly repaired and every arrangement made that will be conducive to comfort and cleanliness. The Trustees hope that the institution will meet with that support which its merits deserve.

By order of the board of Trustees.

Z JULIUS BERNARD,
31de-71 Secy. Sh. Gl. Hospital.
(c.a.) 106 Shanghai, 1st Jan., 1871.

PACIFIC MAIL S. S. CO.'S NOTICE.

THROUGH U. S. MAIL LINE
FROM
CHINA & JAPAN TO NEW YORK.

PACIFIC MAIL S.S. COMPANY

IN CONNECTION WITH THE
Central and Union Pacific Rail-
Road Companies.

THE Steamship *CHINA*, Captain COBB, will leave Yokohama for San Francisco, on or about Aug. 22nd, taking Passengers, Mails, Freight, &c., for the United States, Canada, Central and South America, and Europe.

The Company's Steamship *Arizona*, Captain FURBER, will leave Shanghai on or about 12th Aug., via the Inland Sea Ports, connecting at Yokohama with the above named Steamer.

The Steamer will be due at San Francisco Sept. 12th, 1871, whence daily Passenger trains and daily Freight trains are run over the Central and Union Pacific Railroad Lines for New York and for all the principal cities in the interior, and upon the Atlantic seaboard.

At New York, Passengers have selection of various lines of Steamers to England, France and Germany.

Through Tickets and Bills of Lading will be issued for transportation to San Francisco, and thence by the Overland Railroad, and to Europe by connecting lines of Steamers.

Through First-Class Passengers purchasing Tickets to points beyond San Francisco, are allowed 250 pounds of Baggage free.

Through Passenger Trains run daily between San Francisco and New York, making the Trip in six days and twenty hours.

Distance, 3,312 Miles.

The Silver Palace Sleeping Cars are run daily from San Francisco to New York. These Drawing Room Cars by day and Sleeping Cars by night, are unexcelled for comfort, convenience and elegance.

THROUGH FARES.

Shanghai to New York\$428.50
Do. to Europe..... 500.00

And upward, depending upon Lines selected.

To New York or Intermediate points:

Children not over Twelve (12) years of age, Half Fare; under Five (5) years of age, Free.

Passenger Tickets should be procured at this Agency, as, if purchased on board, an additional 10 per cent will be charged on the usual rates.

In future this Agency will require but one extra copy of Bills of Lading.

Consignees will please endorse Bills of Lading before presenting them for countersignature.

Teas, Silks, and other cargo taken for the United States or Europe on very favorable terms.

The Overland Railroad Companies GUARANTEE 12 days' time for Silk, and 18 days for Teas and Merchandise, between San Francisco and New York.

Tables of rates of Freight by any of the above routes, furnished on application to any Agent of this Company.

Z GEO. F. BOWMAN,
Agent.
4de-71 1102 Shanghai, 13th July, 1871.

Hongkong & Shanghai Banking Corporation.

Subscribed Capital ...\$ 5,000,000
Paid-up Capital „ 4,000,000
Reserved Fund „ 800,000

Court of Directors:

Chairman—Hon'ble. R. ROWETT.
Deputy Chairman—T. PYKE, Esq.

Geo. J. Holland, Esq. George F. Heard.
S. D. Sassoon, Esq. Julius Menke.
A. Joost. H. B. Lemann.
E. K. Bellios.

Head Office, Hongkong.

BRANCHES.

London. Yokohama
Bombay. Hiogo.
Calcutta. Hankow.
Fouchow.

London Bankers.

LONDON AND COUNTY BANK

SHANGHAI BRANCH.

Interest allowed on Current Accounts at 2% on daily balances.

On Fixed Deposits, for 12 months, at 6%
" " " 6 " 5%
" " " 3 " 3%

Local Bills Discounted.

Credits granted on approved Securities, and every description of Banking and Exchange business transacted.

Drafts granted on the Chief Commercial places in Europe, India, Australia, America, China and Japan.

DAVID McLEAN,

31de-71 Manager.

(c. a.) 104 11th Jan., 1871.

NOTICE.

THE undermentioned Banks hereby intimate to the Public generally that the only persons authorised to make contracts on their behalf, of any kind whatsoever, are their respective Managers or other legally authorised representatives.

No Chinese employés whatever have any authority to negotiate or conclude any business arrangements on behalf of the said Corporations.

For the Chartered Mercantile Bank of India, London and China.

R. B. BAKER,
Manager.

For the Comptoir D'Escompte de Paris.

A. KAUFFMANN,
Manager.

For the Hongkong and Shanghai Banking Corporation.

D. McLEAN,
Manager.

For the Chartered Bank of India, Australia, and China.

M. M. WALKER,
Manager.

31de-71 105 Shanghai, 1st Jan., 1871.

NORTH-CHINA HERALD

AND

SUPREME COURT & CONSULAR GAZETTE.

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J. BROADHURST TOOTAL.